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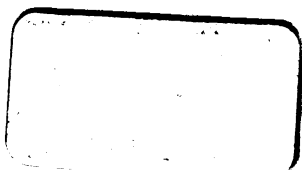
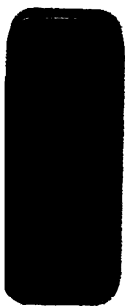
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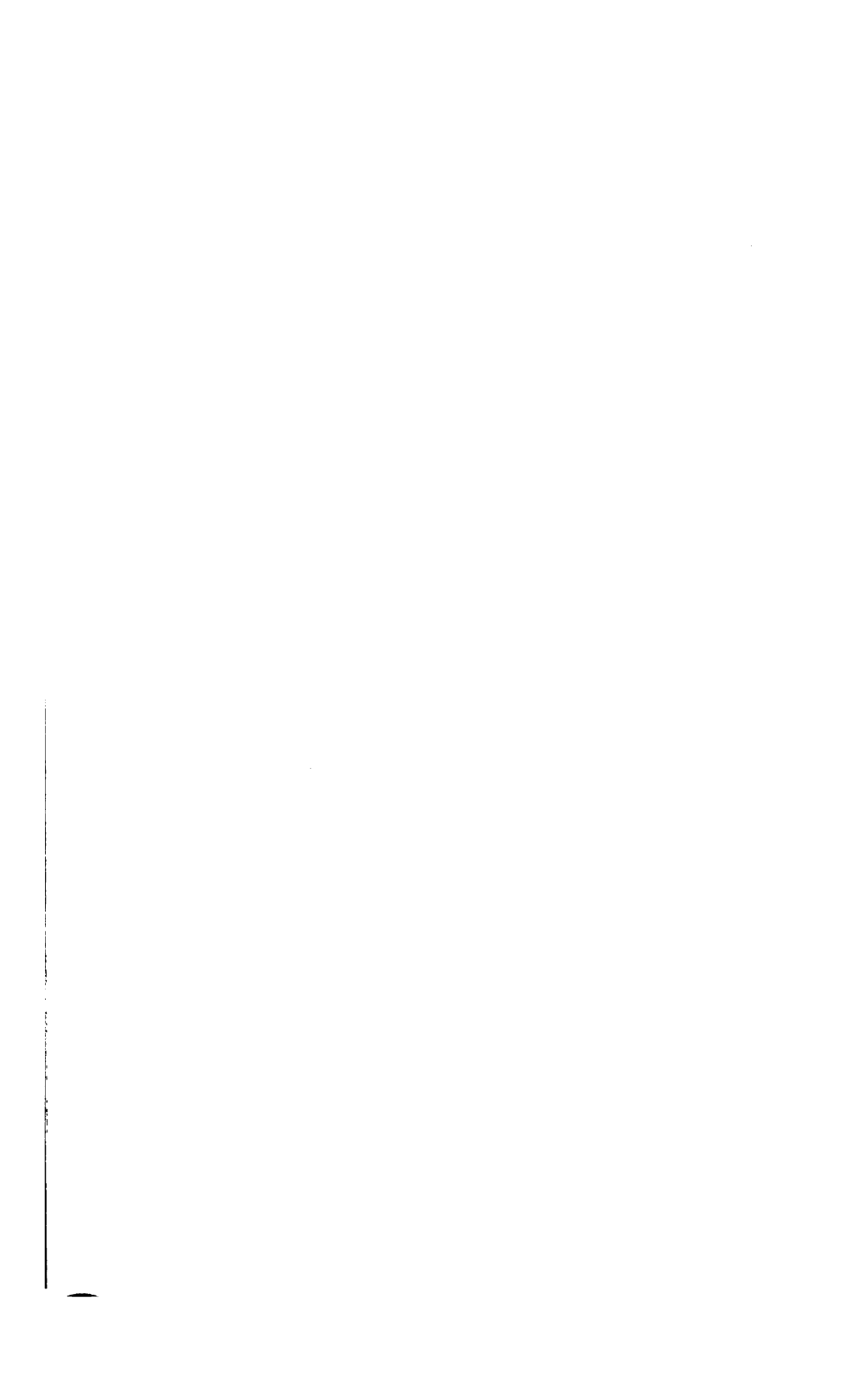
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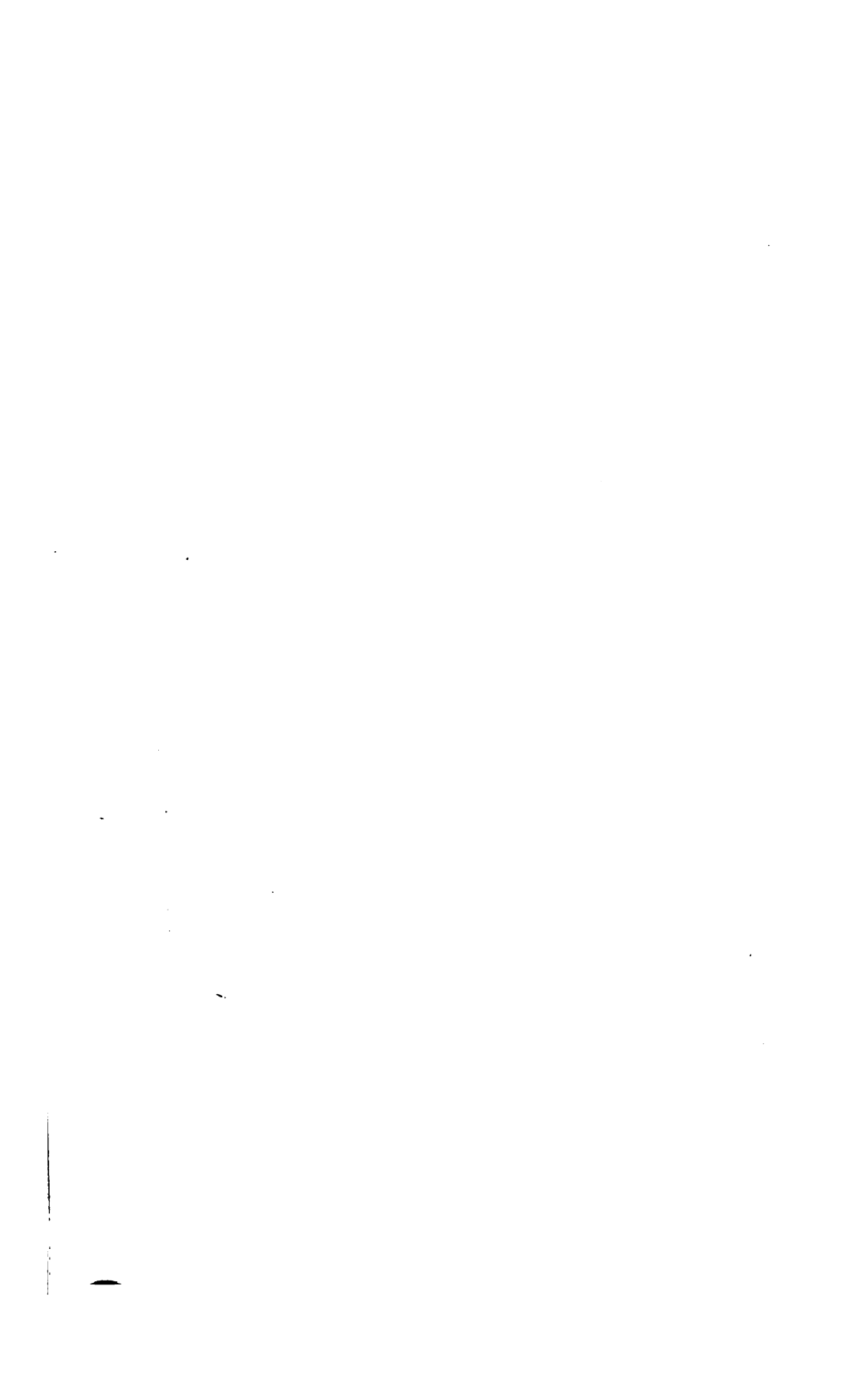
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L A W S

OF

THE TERRITORY OF KANSAS,

PASSED AT THE SECOND SESSION OF THE

GENERAL LEGISLATIVE ASSEMBLY.

BEGUN AND HELD AT THE CITY OF LECOMPTON,

ON THE SECOND MONDAY (12th) OF JANUARY, A. D. 1857.

~~~~~  
BY AUTHORITY.  
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LECOMPTON, K. T.

R. H. BENNETT, PUBLIC PRINTER.

1857.

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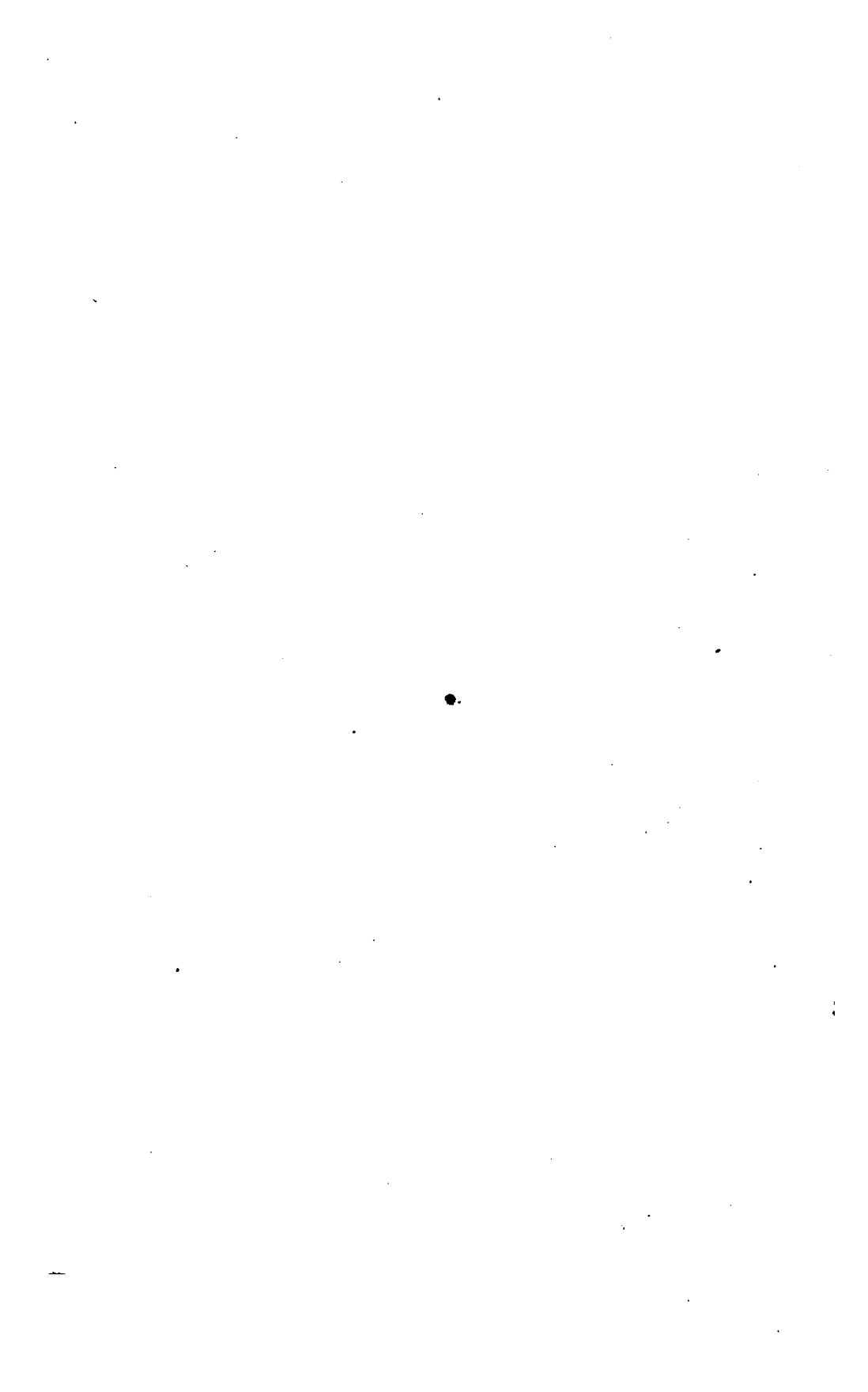
APR 27 1936

LECOMPTON, CAPITAL OF TERRITORY,

June, 1857.

I HEREBY CERTIFY, That the printed Acts contained in this volume are true copies of the Enrolled Bills on file in the Office of the Secretary of the Territory of Kansas, with the exception of such clerical errors and mistakes as the Superintendent of Public Printing is authorized to correct by the Act creating said office.

A. B. HAZZARD, *Superintendent.*



GENERAL LAWS.

ACTIONS.

AN ACT regulating Actions.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. From and after the taking effect of this act, no action shall be maintained upon any contract for the sale of lands, unless the agreement upon which such action shall be brought, or some memorandum thereof, is in writing, and signed by the party or parties to be charged therewith, or by some other person thereto lawfully authorized by writing ; *Provided*, that nothing in this act shall be so construed as to prevent the recovery of debts on verbal contracts for the sale of improvements on public lands.

Of actions about
sale of land.

SEC. 2. No action shall be brought in the following cases : first, to charge any executor or administrator upon special promise to answer damages out of his own estate ; second, to charge any person upon any special promise to answer for the debt, default or miscarriage of any other person ; third, to charge any person upon an agreement made upon consideration of marriage ; fourth, to charge any person upon any agreement that is not to be performed within one year from the time of making it, unless such promise or agreement, or some memorandum or note thereof, is in writing, and subscribed by the party to be charged therewith, or by some person thereunto by him lawfully authorized.

No action shall
be brought, in
what cases.

SEC. 3. No action shall be brought upon any contract, for the sale of any goods, wares or merchandise, for the price of thirty dollars or upwards, and no such contract shall be valid unless the buyer shall accept part of the property so sold, and

Regarding the
sale of goods, &c.

actually receive the same, or give something in earnest to bind the bargain or in part payment, or unless some note or memorandum in writing of the said bargain be made and signed by the party or parties to be charged by such contract, or their agent thereunto lawfully authorized.

Of bills of exchange, &c.

SEC. 4. No bill of exchange, negotiable promissory note, order or draft, except such as are payable on demand, shall be payable until three days of grace have been allowed thereon, unless it appear in the instrument that it was the intention of the party that days of grace should not be allowed.

Regarding the escape of a prisoner.

SEC. 5. If any person shall be compelled to pay any sum of money on the account of the escape of any prisoner, he may maintain an action therefor against such prisoner and all persons aiding such escape.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

ACKNOWLEDGMENT OF DEEDS, &c.

AN ACT to authorize Judges of the Probate Court to take acknowledgment and proof of deeds and other instruments, and to confirm certain acts of the same.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Acknowledgment of deeds, &c., declared valid.

SECTION 1. All acknowledgments of deeds and other instruments for record in this territory which have already been taken by judges of the probate court, with or without an impression of an official seal, are hereby recognized, confirmed and made valid.

Probate courts allowed to take acknowledgment, &c.

SEC. 2. All judges of the probate court are hereby authorized and empowered to take the acknowledgment and proof of deeds and other instruments for record in this territory, by certifying to the same under their hands and private seals, provided such instruments are intended for record in the county wherein the judge resides, or the estate affected is situated.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

ATTACHMENT.

AN ACT to amend an act, entitled "An act to provide for the recovery of debts by attachment."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. The first section of the second article of an act, entitled "An act to provide for the recovery of debts by attachment," be and the same is hereby amended as follows : All creditors whose demands are due upon bonds or notes for the direct payment of money, and all creditors whose demands are due upon contract other than bonds and notes, where such demands do not exceed one hundred dollars, may sue under the provisions of said act.

All creditors whose demands are due upon bonds or notes, &c., may sue.

This act to take effect from and after its passage.

Approved February 5th, 1857.

APPROPRIATIONS.

AN ACT making appropriations for the expenses of the Territory of Kansas for the year eighteen hundred and fifty-seven.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, That the following sums be and are hereby appropriated to the objects hereinafter expressed, for the year eighteen hundred and fifty-seven, to be paid out of any money in the treasury not otherwise appropriated, namely : For compensation of treasurer, one thousand dollars ; for office rent for treasurer, one hundred dollars ; for compensation for auditor, one thousand dollars ; for office rent for auditor, one hundred dollars ; for compensation for librarian, one

Appropriations.

hundred dollars ; for rent for library room, one hundred dollars ; for compensation for engrossing and enrolling clerks for the council, three hundred and twenty dollars ; for compensation for engrossing and enrolling clerks and one assistant clerk for the house of representatives, four hundred and eighty dollars ; for compensation for assessors and collectors of the revenue, five thousand dollars ; for compensation for the adjutant general and inspector general, three hundred dollars ; for expenses of holding a convention, ten thousand dollars ; for contingent expenses arising under provisions of law, and for which appropriations have not otherwise been made, one thousand five hundred dollars ; provided, that no person employed by the convention shall receive a higher compensation than is allowed by this legislature for the same kind of service ; and, provided further, that the salary allowed the librarian and the rent for the library room shall not commence until we have a library to manage.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT making appropriations for the years eighteen hundred and fifty-five and eighteen hundred and fifty-six.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Sundry appropriations.

SECTION 1. That for the purpose of meeting the expenses of the territorial government for the years one thousand eight hundred and fifty-five and six, the following sums are hereby appropriated, to-wit : For rent of auditor's office, one hundred dollars ; for rent of treasurer's office, one hundred dollars ; for public seals for the comptroller of the treasury and treasurer's offices, together with letter press and appurtenances, seventy-five dollars ; Republican office, for bill of books furnished auditor, ninety-four dollars and sixty-one cents ; Amos H. Shultz, for furnishing bill of stationery, &c., thirty-seven dollars and forty-six cents ; Lecompton Union, for bill of printing, three dollars and fifty cents ; Leavenworth Herald, six dollars and seventy-five cents ; Squatter Sovereign, five dollars ; to Thomas Johnson, for iron safe furnished the treasurer for use of the

territory, seventy-five dollars ; to John Donaldson, for freight and storage paid on books, seven dollars and fifty cents ; for the pay of extra services done by the chief and assistant clerks of the council and house of representatives for the first session of the legislative assembly of the territory of Kansas, in copying the journals and indexing the same, and for other services, and for the pay of the adjutant general of Kansas territory, nine hundred and fifty dollars.

Approved February 20th, 1857.

ASSOCIATIONS—CHURCH, &c.

AN ACT in relation to Associations.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. Any church or religious association, lodge of Masons, Odd Fellows, divisions of Sons of Temperance, or kindred orders, or any other association of persons for religious, moral, benevolent or literary purposes, or town company, or other association formed for any laudable or lawful purpose, may receive and hold by purchase or otherwise, and lease or convey the same, any amount of land necessary for the purposes of their association by or through a trustee or trustees, selected by any such association ; and no conveyance to any such trustee, for the use and benefit of such association, shall vest the right of dower in any married woman in any way connected with any such association.

Any association may obtain any necessary amount of land.

SEC. 2. Any conveyance to or by any such association may be made through a trustee for the use and benefit of such association, naming it, and all the recitals in any lease, deed or other instrument, made to or by any such association, shall be taken and deemed as evidence of any and all facts so recited, until the contrary shall be proven by the party denying such facts so recited.

Any conveyance, how made.

SEC. 3. That any such association may select a trustee by a majority of their members or interests as they may determine, and enter the same on the books of the association, and all va-

Of trustees.

cancies may be filled in the same way ; and such books being proven to be genuine, shall be evidence of the contents thereof.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

BANKING ASSOCIATIONS.

AN ACT declaring certain Banking Associations unlawful.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Every company without an act of legislature authorizing its purposes is unlawful.

SECTION 1. Every company or association of persons formed for banking purposes within this territory, and without an act of the legislature authorizing the same, shall be deemed unlawful.

Punishment.

SEC. 2. If any person shall subscribe to or become a member of such company or association, he shall be deemed guilty of a misdemeanor, and punished by fine not exceeding one thousand dollars, nor less than four hundred dollars, or by imprisonment in the county jail for a term not less than six nor more than twelve months, or by both such fine and imprisonment.

Punishment for aiding in carrying on the business of such a company.

SEC. 3. If any person shall be concerned in issuing notes or bank bills, receiving deposits, loaning, issuing or signing any such notes or bills, or in any way aiding in carrying on the business of such company or association, he shall be deemed guilty of a misdemeanor and punished by fine in the sum of one hundred dollars, or by imprisonment in the county jail for a term not less than one nor more than three months, or by both such fine and imprisonment.

After this act taking effect, all notes or securities to such company shall be null and void.

SEC. 4. From and after the taking effect of this act, all notes or securities for the payment of money, or the delivery of property, made, given, endorsed, or transferred to, or received by any such company or association for money or bills loaned, or discounts made, given, or transferred, or received by any persons for the benefit of such company or association, shall be null and void.

SEC. 5. All bills, notes, checks, drafts, or obligations whatever, payable to bearer or order, except such as may be issued by an incorporated bank, issued or passed with the intent that the same shall be used as currency, and which shall bear the impression of types, plates or printing, are void, and no action shall be sustained thereon except against the original signer thereof.

All bills, notes, &c., issued by them, are void.

SEC. 6. If any person shall pass or issue any such note, bill, check, draft, or obligation, with the intent that the same shall be circulated as currency, he shall be deemed guilty of a misdemeanor, and fined for each offence not less than twenty nor more than one hundred dollars.

Punishment for passing such note, check, &c.

SEC. 7. If any person or persons shall issue or circulate as currency any note, draft, check, scrip, or other evidence of debt, without authority of law, he shall be liable to all the pains and penalties as prescribed in this act, the same as if the note, draft, check, scrip or evidence of debt were issued or circulated by any company or association formed for banking purposes without authority of law.

Any person issuing or circulating notes, checks, &c., without authority of law, is liable to all penalties prescribed in this act.

This act to take effect and be in force from and after the first day of February, eighteen hundred and fifty-seven.

Approved January 29th, 1857.

RAILROAD ASSOCIATIONS.

AN ACT to authorize the formation of Railroad Associations and to regulate the same.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. Any number of persons not less than six may form a company for the purpose of constructing, maintaining and operating a railroad for public use, in the conveyance of persons and property, and for that purpose may make and sign articles of association, in which shall be stated the name of the company ; the number of years the same is to continue ; the places from and to which the road is to be constructed or maintained or operated ; the length of such road as near as may be, and the name of each county in this territory through or into which it is made or intended to be made ; the amount of capital stock of the company, which shall not be less than ten

What number of persons may form a company for constructing a railroad.

Articles of association.

Directors of the company.

Articles of association to be filed in the office of the secretary of the territory.

Provisions.

thousand dollars for every mile of road constructed or proposed to be constructed, and the number of shares of which said capital stock shall consist ; and the names and places of residence of the directors of the company, not less than five nor over thirteen in number, who shall manage its affairs for the first year, and until others are chosen in their places. Each subscriber to such articles of association shall subscribe thereto his name, place of residence, and the number of shares of stock he agrees to take in said company. On compliance with the provisions of the next section, such articles of association may be filed in the office of the secretary of the territory, who shall endorse thereon the day they are filed, and record the same in a book to be provided by him for that purpose, and thereupon the persons who have so subscribed such articles of association, and all persons who shall become stockholders in such company, shall be a corporation by the name specified in such articles of association, and shall possess the powers and privileges granted to corporations, and be subject to the provisions following, to wit : 1st. To have succession by its corporate name for the period limited in its articles of association. 2d. Sue and be sued, complain and defend, in any court of law or equity. 3d. To make and use a common seal, and alter the same at pleasure. 4th. To hold, purchase and convey such real and personal estate as the purposes of the corporation shall require. 5th. To appoint such subordinate officers and agents as the business of the corporation shall require, and to allow them a suitable compensation. 6th. To make by-laws, not inconsistent with any existing laws, for the management of its property, the regulation of its affairs, and for the transfer of its stock. 7th. In addition to the powers enumerated and given in this act, no corporation shall possess or exercise any corporate powers, except such as shall be necessary to the exercise of the powers so enumerated and given. 8th. No corporation created under this act shall, by any implication or construction, be deemed to possess the power to discount bills, notes, or other evidences of debt ; of receiving deposits ; of buying gold and silver bullion, or other foreign coin ; of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, upon loan or for circulation as money. 9th. Where the whole capital of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him the sum ne-

cessary to complete the amount of such share as fixed by the articles of association, or such proportion of that sum as shall be required to satisfy the debts of the company. 10th. When the corporate powers of any corporation are directed by its articles of association to be exercised by any particular body or number of persons, a majority of such body or number of persons, if it be not otherwise provided in its articles of association, shall be a sufficient number to form a board for the transaction of business, and every decision of a majority of the persons duly assembled as a board shall be valid as a corporate act. 11th. Upon the dissolution of any corporation created under this act, and unless other persons shall be appointed by the legislature or by some court of competent authority, the directors or managers of the affairs of such corporation at the time of its dissolution, by whatever name they may be known in law, shall be the trustees of the creditors and stockholders of the corporation dissolved, and shall have full power to settle the affairs of the corporation, collect and pay the outstanding debts, and divide amongst the stockholders the moneys and other property that shall remain after the payment of debts and necessary expenses. 12th. The persons so constituted trustees shall have authority to sue for and recover the debts and property of the dissolved corporation, by the name of the trustees of such corporation, describing it by its corporate name, and shall be jointly and severally responsible to the creditors and stockholders of such corporation to the extent of its property and effects that shall come into their hands.

SEC. 2. Such articles of association shall not be filed and recorded in the office of the secretary of the territory until at least five hundred dollars of stock for every mile of railroad proposed to be made is subscribed thereto, and two per centum paid thereon in good faith, and in cash, to the directors named in said articles of association; nor until there is endorsed thereon or annexed thereto an affidavit made by at least three of the directors named in said articles, that the amount of stock required by this section has been in good faith subscribed and two per centum paid in cash thereon, as aforesaid, and that it is intended in good faith to construct or maintain and operate the road mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid.

SEC. 3. A copy of any articles of association filed and recorded in pursuance of this act, or of the record thereof, with

When articles
of association to
be filed.

Filed copy of
these articles pre-
sumptive evidence
&c.

a copy of the affidavit aforesaid endorsed thereon or annexed thereto, and certified to be a copy by the secretary of this territory, shall be presumptive evidence of the incorporation of such company and of the facts therein stated.

Of subscriptions
to capital stock.

SEC. 4. When such articles of association and affidavit are filed and recorded in the office of the secretary of the territory, the directors named in such articles of association may, in case the whole of the capital stock is not before subscribed, open books of subscription to fill up the capital stock of the company in such places, and, after giving such notice as they may deem expedient, may continue to receive subscriptions until the whole capital stock is subscribed. At the time of subscribing, every subscriber shall pay to the directors two per centum on the amount subscribed by him, in money, and no subscription shall be received or taken without such payment.

Election of di-
rectors.

SEC. 5. There shall be a board of not less than five nor over thirteen directors, of every corporation formed under this act, to manage its affairs; said directors shall be chosen annually by a majority of the votes of the stockholders voting at such election, in such manner as may be prescribed in the by-laws of the corporation, and they may and shall continue to be directors until others are elected in their places. In the election of directors, each stockholder shall be entitled to one vote for each share of stock held by him. Vacancies in the board of directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation. The inspectors of the first election of directors shall be appointed by the board of directors named in the articles of association. No person shall be a director unless he is a stockholder, owning stock absolutely in his own right, qualified to vote for directors at the election at which he shall be chosen. Every corporation formed under this act shall be subject to the following regulations concerning the election of directors, viz: 1. At every election for directors, three persons shall be chosen by the persons entitled to vote for directors, as inspectors at the next succeeding election, whose duty it shall be to act as such, and any two of whom shall be competent to act; and no person who has been a director of any railroad within twelve months last preceding, or any person holding any office under or being in the employment of any board of directors, shall act as proxy for any stockholder at any election of directors. Each acting inspector shall be entitled to a reasonable compensation for his services, to be

paid by the corporation by which he is chosen. 2. The directors of the corporation shall supply any vacancy that may occur by the death or removal from the city or cities, county or counties, in which the corporation shall be situated, of any such inspector, or by his refusal to serve, or neglect to attend on the day of election. 3. No person shall be chosen or appointed an inspector of an election of directors in a corporation of which he shall be a director or officer. 4. Every such inspector, before he shall enter on the duties of his office, shall take and subscribe the following oath, before any officer authorized by law to administer oaths: "I do solemnly swear that I will execute the duties of an inspector of the election now to be held, with strict impartiality and according to the best of my ability." 5. At every election of directors, the transfer books of the corporation shall be produced to test the qualification of the voters, and no person shall be admitted to vote directly, or by proxy, except those in whose names the shares of the stock of the corporation shall stand on such books, and shall have so stood for at least thirty days previous to the election. 6. No person shall be admitted to vote on any shares of stock belonging or hypothecated to the corporation in which the election is held, nor shall any person be admitted to vote on any shares of stock which shall then be hypothecated or pledged as collateral security to any other person or company. 7. No person shall be admitted to vote on any shares which shall have been transferred to him for the sole purpose of enabling him to vote thereon at the election then to be held, nor upon any shares which he shall have previously contracted to sell or transfer after the election upon any condition, agreement or understanding in relation to his manner of voting at such election. 8. Every person offering to vote may be challenged by any other person authorized to vote at the same election, and to every person so challenged one of the inspectors shall administer the following oath: "You do swear (or affirm, as the case may be) that the shares on which you now offer to vote do not belong and are not hypothecated to the corporation for which the election is held, and that they are not hypothecated or pledged to any other person or corporation whatever; that such shares have not been transferred to you for the purpose of enabling you to vote thereon at this election, and that you have not contracted to sell and transfer them upon any condition, agreement or understanding in relation to your manner of voting at this election."

9. No person shall be permitted to vote upon the proxy of a stockholder unless he shall produce, annexed to his proxy, an affidavit of such stockholder stating the same facts to which the oath of such stockholder might have been required upon the challenge had he offered to vote in person on the shares mentioned in the proxy. 10. If any person offering to vote upon a proxy shall be challenged by an elector, he shall be required to take the following oath, to be administered to him by one of the inspectors: "You do swear (or affirm) that the facts stated in the affidavit annexed to the proxy upon which you now offer to vote are true according to your belief, and that you have made no contract or agreement whatever for the purchase or transfer of the shares, or any portion of the shares mentioned in such proxy." 11. If any person duly challenged shall refuse to take the proper oath, his vote shall be rejected, and shall not afterwards be received at the same election; if he shall take the oath, his vote shall be received. 12. If any election for directors in any such corporation shall not be held on the day appointed, it shall be the duty of the directors to notify and cause such election to be held within sixty days after the day so appointed; and on the day so notified no persons shall be admitted to vote except those who would have been entitled had the election taken place on the day when it ought to have been held. 13. No by-law of any such corporation regulating the election of its directors shall be valid unless it shall be made at least sixty days before the day appointed for the election to be held. 14. Every such corporation shall keep a book in which the transfer of shares of its stock shall be registered, and another book containing the names of its stockholders, which books shall at all times during the usual hours of business, for thirty days previous to an election of directors, be open to the examination of the stockholders. 15. If any officers having charge of such books shall, upon the demand of a stockholder, refuse or neglect to exhibit and submit them to examination, he shall for each offence forfeit the sum of two hundred and fifty dollars. 16. If any person shall conceive himself aggrieved by an election, or any proceeding concerning an election of directors or officers in any such corporation, he may apply to the district court for redress, giving a reasonable notice of his intended application to the party to be affected thereby. 17. It shall be the duty of the district court, upon such application, to proceed forthwith, in a summary way, to hear

the proofs and allegations of the parties, or otherwise to inquire into the causes of complaint, and thereupon to make such order and grant such relief as the circumstances and justice of the case shall seem to require. If the election complained of shall be set aside, the district court may order a new election at such time and place as they shall appoint. 18. The district court, if they can not otherwise arrive at a satisfactory result, may order an issue between the parties, to be made up in such manner and form, and to be tried in such court, as they shall select; or may permit or direct the attorney general to file an information in the nature of a *quo warranto*, if the case be one in which that proceeding would be competent and effectual. 19. If any such issue shall be ordered, or information permitted or directed to be filed, it shall be the duty of the district court to make such further orders in relation to the time and mode of pleading, the examination of witnesses or the parties, the production of books and papers, and the time and place of trial or hearing, as shall in their judgment be effectual for expediting the proceedings, saving expense to the parties, and causing a final determination to be had, with as little delay as the nature of the controversy will permit; and the court may adjudge the costs according to equity.

SEC. 6. The directors shall appoint one of their number president; they may also appoint a treasurer and secretary, and such other officers and agents as shall be prescribed by the by-laws.

Directors may
appoint their officers.

SEC. 7. The directors may require the subscribers to the capital stock of the company to pay the amounts by them respectively subscribed, in such manner and in such instalments as they may deem proper. If any stockholder shall neglect to pay any instalment as required by a resolution of the board of directors, the said board shall be authorized to declare his stock, and all previous payments thereon, forfeited for the use of the company; but they shall not declare it so forfeited until they shall have caused a notice in writing to be served on him personally, or by depositing the same in the post office, properly directed to him at the post office nearest his usual place of residence, stating that he is required to make such payment at the time and place specified in said notice, and that, if he fails to make the same, his stock and all previous payments thereon will be forfeited for the use of the company, which notice shall be served as aforesaid at least sixty days previous to the day on which such payment is required to be made.

Of the payment
of subscriptions.

Stock of companies formed under this act considered real estate.

Not lawful to use its funds in the purchase of stock in its own or any other corporation.

Power to increase the capital stock.

SEC. 8. The stock of every company formed under this act shall be deemed personal estate, and shall be transferable in the manner prescribed by the by-laws of the company; but no shares shall be transferred until all previous calls thereon shall have been fully paid in; and it shall not be lawful for such company to use any of its funds in the purchase of any stock in its own or any other corporation.

SEC. 9. In case the capital stock of any company formed under this act is found to be insufficient for constructing and operating its road, such company may, with the concurrence of two-thirds in amount of all its stockholders, increase its capital stock from time to time to any amount required for the purposes aforesaid. Such increase must be sanctioned by a vote, in person or by proxy, of two-thirds in amount of all the stockholders of the company, at a meeting of such stockholders called by the directors of the company for that purpose, by a notice in writing to each stockholder, to be served personally, or by depositing the same, properly folded and directed to him at the post office nearest his usual place of residence, in the post office, at least twenty days prior to such meeting. Such notice must state the time and place of meeting and its object, and the amount to which it is proposed to increase the capital stock. The proceedings of such meeting must be entered on the minutes of the proceedings of the company, and thereupon the capital stock of the company may be increased to the amount sanctioned by a vote of two-thirds in amount of all the stockholders of the company as aforesaid.

Liabilities of stockholders.

SEC. 10. Each stockholder of any company formed under this act shall be individually liable to the creditors of such company to an amount equal to the amount unpaid on the stock held by him for all the debts and liabilities of such company, until the whole amount of the capital stock so held by him shall have been paid to the company; and all the stockholders of every such company shall be jointly and severally liable for all the debts due or owing to any of its laborers and servants for services performed for such corporation; but shall not be liable to an action thereby before an execution shall be returned unsatisfied, in whole or in part, against the corporation, and then the amount due on such execution shall be the amount recoverable with costs against such stockholder.

No guardian, trustee, &c., personally subject to

SEC. 11. No person holding stock in any such company as executor, administrator, guardian or trustee, and no person

holding such stock as collateral security, shall be personally subject to any liability as a stockholder of such company ; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly ; and the estates and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would have been if he had been living and competent to act and hold the same stock in his own name.

any liability ; but the estates in his hands liable.

SEC. 12. As often as any contractor for the construction of any part of a railroad which is in progress of construction shall be indebted to any laborer for thirty or any less number of days' labor performed in constructing said road, such laborer may give notice of such indebtedness to said company in the manner herein provided, and said company shall thereupon become liable to pay such laborer the amount so due him for such labor, and an action may be maintained against said company therefor ; such notice shall be given by said laborer to said company within twenty days after the performance of the number of days' labor for which the claim is made ; such notice shall be in writing, and shall state the amount and number of days' labor, and the time when the said labor was performed for which the claim is made, and the name of the contractor from whom due, and shall be signed by such laborer or his attorney, and shall be served on an engineer, agent or superintendent, employed by said company, having charge of the section of the road on which such labor was performed, personally, or by leaving the same in the office or usual place of business of such engineer, agent or superintendent, with some person of suitable age ; but no action shall be maintained against any company, under the provisions of this section, unless the same is commenced within thirty days after notice is given to the company by such laborer as above provided.

Laborers' wages, how recovered.

SEC. 13. In case any company formed under this act, or any special act, is unable to agree for the purchase of any real estate required for the purpose of its incorporation, it shall have the right to acquire title to the same in the manner and by the special proceedings prescribed in this act.

In case any company formed shall be unable to agree in the purchase of real estate.

SEC. 14. For the purpose of acquiring such title, the said company may present a petition, praying for the appointment of commissioners of appraisal, to the district court, at any general

A title, how acquired.

or special term thereof, held in the district in which the land described in the petition is situated, or to the judge thereof, in vacation. Such petition shall be signed and verified according to the rules and practice of such court; it must contain a description of the real estate which the company seeks to acquire, and it must, in effect, state that the company is duly incorporated, and that it is the intention of the company in good faith to construct and finish a railroad from and to the places named for that purpose in its articles of association; that at least one-half of the capital stock of this company has in good faith been subscribed as required by this act, or otherwise provided for, and that the company has surveyed the line or route of its proposed road, and made a map or survey thereof by which such line or route is designated, and that they have located their said road according to such survey, and filed certificates of such location, signed by a majority of the directors of the company, in the clerk's office of the several counties through or into which the said road is to be constructed; that the land described in the petition is required for the purpose of constructing or operating the proposed road, and that the company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can by reasonable diligence be ascertained, who owned, or have or claim to own, or have estates or interests in the said real estate; and if any such persons are infants, their ages, as near as can be, must be stated; and if any of such persons are idiots, or persons of unsound mind, or are unknown, that fact must be stated, together with such allegations and statements of liens or encumbrances on said real estate as the company may deem fit to make. A copy of such petition, with a notice of the time and place the same will be presented to the district court, or the judge thereof, must be served on all persons whose interests are to be affected by the proceedings, at least ten days prior to the presentation of the same to the said court or judge. 1st. If the person on whom such service is to be made resides in this territory, and is not an infant, idiot, or person of unsound mind, service of a copy of such petition and notice must be made on him, or his agent or attorney authorized to contract for the sale of the real estate described in the petition, personally, or by leaving the same at the usual place of residence of the person on whom service must be made as aforesaid, with some person of suita-

ble age. 2d. If the person on whom such service is to be made resides out of the territory, and has an agent residing in this territory authorized to contract for the sale of the real estate described in the petition, such service may be made on such agent or on such person personally out of the territory, or, if it be made by publishing the notice, stating briefly the object of the application, and giving a description of the land to be taken in a paper printed in the territory, once in each week for one month next previous to the presentation of the petition; and if the residence of such person residing out of this territory, but in any of the United States, is known, or can by any reasonable diligence be ascertained, the company must, in addition to such publication as aforesaid, deposit a copy of the petition and notice in the post office, properly folded and directed to such person at the post office nearest his place of residence, at least thirty days before presenting such petition to the court or judge, and pay the postage chargeable thereon. 3d. If any person on whom such service is to be made is under the age of twenty-one years, and resides in this territory, such service shall be made as aforesaid on his guardian; or if he has no such guardian, then on such infant personally, if he is over the age of fourteen years; and if under that age, then on the person who has the care of, or with whom such infant resides. 4th. If the person on whom such service is to be made is an idiot or of unsound mind, and residing in this territory, such service may be made on the person or persons, or court, who has or have the care and charge of the person or estate of such idiot or person of unsound mind. 5th. If the person on whom such service is to be made is unknown or his residence is unknown, and can not by reasonable diligence be ascertained, then such service may be made under the direction of the court by publishing a notice stating the time and place the petition will be presented, the object thereof, with a description of the land to be affected by the proceedings, in a paper printed in the territory, once in each week for one month previous to the presentation of such petition. 6th. In case any party to be affected by the proceedings is an infant, idiot, or of unsound mind, and has no guardian, or is not in charge of any probate court, the court or judge shall appoint a special guardian to attend to the interests of such person in the proceedings; but if a probate court has charge of such person in this territory, it shall be the duty of such probate court to attend to the interests of such infant, idiot or person of un-

sound mind, and the district court or judge may require such security to be given as may be deemed necessary to protect the rights of such infant, idiot or person of unsound mind; and all notices required to be served in the progress of the proceedings may be served on such probate court or special guardian. 7th. In all cases not herein otherwise provided for, service of orders, notices, and other papers in the special proceedings authorized by this act, may be made as the district court or judges thereof shall direct.

Persons whose estates or interests are to be affected by the proceedings may show cause against the granting the petition.

Judge shall appoint commissioners to appraise the property.

SEC. 15. On presenting such petition to the district court or judge thereof as aforesaid, with proof of service of a copy thereof and notice as aforesaid, all persons whose estates or interests are to be affected by the proceedings, may show cause against granting the prayer of the petition, and may disprove any of the facts alleged in it. The court or judge thereof shall, without delay, hear the proofs and allegations of the parties, and, if no sufficient cause is shown against granting the prayer of the petition, shall make an order for the appointment of five disinterested and competent persons, who reside in the county where the premises to be appraised are situated, as commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken in such county for the purposes of the company, and to fix the time and place for the first meeting of such commissioners. The parties whose lands are to be appraised, or their attorney, may, in case they appear, name six such persons, and the company a like number, provided they do so, and the court or judge shall appoint two of the commissioners from each of the six so named, in case there is no legal objection to their appointment, and the other commissioner shall be appointed by the judge of the court, in his discretion.

Duties of commissioners.

SEC. 16. The commissioners shall take and subscribe an oath faithfully and impartially to perform the duties required of them by this act. Any one of them may issue subpoenas, administer oaths to witnesses, and any three of them may adjourn the proceedings before them from time to time, in their discretion. Whenever they meet, except by the appointment of the court or pursuant to adjournment, they shall cause reasonable notice of such meetings to be given to the parties who are to be affected by their proceedings, or their attorney or agent. They shall view the premises described in the petition, and hear the proofs and allegations of the parties, and reduce the testimony,

if any is taken by them, to writing; and after the testimony is closed in each case, and without any unnecessary delay, and before proceeding to the examination of any other claim, a majority of them, all being present and acting, shall ascertain and determine the compensation which ought justly to be made by the company to the party or parties owning or interested in the real estate appraised by them, making due allowance or deduction for any advantages or benefits which the parties in interest will derive from the construction of the proposed railroad, but not allowing the parties owning the benefit of any rise in value of the lands in consequence of the survey, location or construction of said railroad. They, or a majority of them, shall also determine and certify what sum ought to be paid to any probate court having charge, or to any special guardian, to attend to the interests of such persons in the proceedings; but if a probate court has charge of such persons in this territory, it shall be the duty of such probate court to attend to the interests of such infant, idiot, or person of unsound mind; and the district court or judge may require such security to be given as may be deemed necessary to protect the rights of such infant, idiot, or person of unsound mind; and all notices required to be served in the progress of the proceedings may be served on such probate court or special guardian.

SEC. 17. On such report being made by said commissioners, the company shall give notice to the parties, or their attorneys, to be affected by their proceedings, according to the rules and practice of said court, at a general or special term, or the judge thereof, for the confirmation of such report, and the court or judge shall thereupon confirm such report, and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate appraised for which compensation is to be made, and shall also direct to whom the money is to be paid, or in what bank or banking house, and in what manner it shall be deposited by the company.

The company shall give due notice to the parties or their attorneys, &c.

Judge shall direct how the money shall be paid.

SEC. 18. A certified copy of the order so to be made as aforesaid shall be recorded at full length in the clerk's office of the county in which the land described in it is situated, and thereupon and on the payment and deposit by the company of the sums to be paid as compensation for the land and for costs and expenses as aforesaid, and as directed by said order, the company shall be entitled to enter upon, take possession of, and

Copy shall be recorded in clerk's office.

use the said lands for the purpose of its incorporation, during the continuation of its corporate existence by virtue of this or any other act; and all persons who have been made parties to the proceedings shall be vested and barred of all right, estate and interest in such real estate during the corporate existence of the company as aforesaid: *Provided*, that if the action of the appraisers and the order of the court should be delayed more than thirty days from the date of the presenting of the petition to the court or judge, the company shall be entitled to enter on possession of the lands or property: *Provided*, that such bonds as the court may require for the payment of the award of the commissioners shall first be filed. All real estate acquired by any company under and pursuant to the provisions of this act, for the purpose of the incorporation, shall be deemed to acquire for public use. Within twenty days after the confirmation of the report of the commissioners, as provided for in the seventeenth section of this act, either party may appeal, by notice in writing to the other, to the district court or to the judge thereof, from the appraisal and report of the commissioners. Such appeal shall be heard by the district court at any general or special term thereof, on such notice thereof being given according to the rules and practice of said court. On hearing of said appeal, the court may direct a new appraisal before the same or new commissioners, in its discretion; the second report shall be final and conclusive on all the parties interested. If the amount of compensation to be made by the company is increased by the second report, the difference shall be a lien on the land appraised, and shall be paid by the company to the parties entitled to the same, or shall be deposited as the court shall direct; and if the amount is diminished, the difference shall be refunded to the company by the party to whom the same may have been paid, and judgment therefor may be rendered by the court on the filing of the second report against the party liable to pay the same. Such appeal shall not affect the possession by such company of the land appraised, and when the same is made by others than the company it shall not be heard, except on a stipulation of the party appealing not to disturb such possession, and no injunction shall be granted to stop the work of the company on account of such appeal.

When the company shall be entitled to enter upon possession of the land or property.

Of appeals.

Court may judge between conflicting claimants to the money.

SEC. 19. If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken, the court may direct the money to be paid

into the said court by the company, and may determine who is entitled to the same, and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made.

SEC. 20. The court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown, or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent. The court shall also have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it may deem proper, and also to appoint other commissioners in place of any who shall die or refuse or neglect to serve, or be incapable of serving.

Court shall appoint attorney for an unknown party.

Has power to amend defects in any proceedings.

May appoint commissioners in place of those who can not serve.

SEC. 21. If at any time after an attempt to acquire title by appraisal of damages or otherwise, it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made, and at any stage of such new proceedings the court may authorize the corporation, if in possession, to continue in possession; and if not in possession, to take possession and use such real estate during the pendency and until the final conclusion of such new proceedings; and may stay all actions and proceedings against the company on account thereof, on such company paying into court a sufficient sum, or giving security as the court may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such real estate may conduct the proceedings to a conclusion, if the company delays or omits to prosecute the same. The judge of any district court before whom any proceedings under this act shall be brought, may appoint and hold a special term of the court for hearing and determining the same.

If the title prove defective, how to proceed.

SEC. 22. Any company shall have power, by themselves or agents, to enter and take from any land in the neighborhood of the line of their railroad, earth, gravel, stone, wood, water or other material necessary for the construction or operation of said road; also for the purpose of depositing thereon earth, stone, gravel, &c.; and for the purpose of procuring water for their uses, may lay pipes, erect pumps, dams and reservoirs, and maintain and keep the same in repair, paying, if the owner of said land and the said company can agree, the damages they

When a company shall trespass on any land and take therefrom earth, gravel, &c.

shall do to the said land or its appurtenances, or, if they can not agree, the damages shall be ascertained by any three impartial and disinterested householders, who, being appointed for that purpose by any justice of the peace, thereto required by either of the parties, shall be sworn by him impartially and faithfully to discharge the duties devolving on them, and then shall ascertain the compensation upon their own view of the ground, and of the wood, earth, stone or gravel which may have been taken therefrom, or the earth, stone or gravel, &c., that may have been deposited thereon, and the injury done in taking them or depositing thereon : *Provided*, however, that it shall be the duty of the party making the application to show to the justice of the peace that ten days' previous notice of the time of making the same has been given to the other party, or to some of them; and no award which may be given under any appraisement without such notice shall be obligatory or binding on the other party, and either party not satisfied with the award may appeal to the district or probate court of the county in which said land may be, which may at its discretion confirm the said award and enter it on record, or, as often as they may deem it necessary, may supersede the said viewers, or any of them, appoint others in their stead, and direct another view and award to be made in the manner aforesaid. If any justice of the peace or any freeholder shall refuse or neglect to perform the duties assigned to them respectively or prescribed in this section, upon being thereto required by either party as aforesaid, such justice or freeholder shall forfeit and pay to the party making the application a sum not exceeding twenty-five dollars, to be recovered before any justice of the peace of the county of which he is an inhabitant, and shall moreover be liable to the party aggrieved.

A company may alter the route or any part of it—how.

SEC. 23. The directors of any company under this act may, by a vote of two-thirds of their whole number, at any time, alter or change the route or any part of the route of their road, if it shall appear to them that the line can be improved thereby, and they shall make and file in the clerk's office of the proper county a survey, map and certificate of such alteration or change, and shall have the same right and power to acquire title to any lands required for the purposes of the company in such altered or changed route as if the road had been located there in the first instance; and no such alteration shall be made in any city or town after the road shall have been constructed, unless the same is sanctioned by a vote of two-thirds

of the common council of the said city, or trustees of said town; and in case of any alteration made in the route of any railroad after the company has commenced grading, compensation shall be made to all persons for injury so done to any lands that may have been donated to the company. All the provisions of this act relative to the first location, and to acquiring title to land, shall apply to every such new or altered portion of the route.

SEC. 24. Whenever the track of a railroad constructed by a company formed under this act shall cross a railroad, a highway, turnpike, or plank road, the same may be carried under or over the track as may be found most expedient; and in cases where an embankment or cutting shall make a change in the line of such highway, turnpike or plank road desirable, with a view to a more convenient, safe or economical crossing at the railroad, the said company may take such additional lands for the construction of such road, highway, turnpike or plank road on such new line as may be deemed requisite by the directors, unless the lands so taken shall be purchased for the purposes aforesaid; compensation therefor shall be ascertained in the manner prescribed in this act for acquiring title to real estate, and duly made by said corporation to the owners and persons interested in such lands. The same when so taken shall become part of such intersecting highway, turnpike or plank road in such manner and by such tenure as the adjacent parts of the same highway, turnpike or plank road may be held for highway purposes.

How to proceed when the tract of a railroad shall cross a railroad, highway, &c.

SEC. 25. The right of way is hereby granted to any railroad company through any unimproved land belong to this territory through which their railroad may pass, and in case any more land belonging to this territory shall be required for the purpose of any railroad corporation than is needed for the track of the road, and in case any improved land belonging to this territory shall be necessary for the purpose of any railroad corporation, the secretary of the territory shall have power to grant to any railroad company any land belonging to this territory which may be required for the purposes of their road, on such terms as may be agreed on between said secretary of the territory and said company; or such company may acquire title thereto by appraisal, as in the case of land owned by individuals; and if any land belonging to a county, or city, or town, is required by any company for the purposes of their

Right of way is hereby granted.

road, the county, or city, or town officers having the charge of such land may grant such land to such company, on such terms as may be agreed upon, or the land may be appraised in the manner aforesaid.

When the title in real estate is vested in any person of unsound mind.

SEC. 26. In case any title or interest in real estate, required by any company formed under this act for the purpose of its incorporation, shall be vested in any trustee not authorized to sell, release and convey the same, or in any infant, idiot, or person of unsound mind, the district court shall have power by a summary proceeding on petition to authorize and empower such trustee, or the court having probate jurisdiction, or the special guardian of such infant, idiot or person of unsound mind, to sell and convey the same to such company for the purposes of its incorporation, on such terms as may be just ; and in case any such infant, idiot or person of unsound mind is not in charge of any court or guardian, the said court may appoint a special guardian for the purpose of making such sale, release or conveyance, and may require such security from such special guardian as said court may deem proper. But before any conveyance or release, authorized by this section, shall be executed, the terms on which the same is to be executed shall be reported to the court on oath, and, if the court is satisfied that such terms are just to the parties interested in such real estate, the court shall confirm the report and direct the proper conveyance or release to be executed, which shall have the same effect as if executed by an owner of said land having legal power to sell and convey the same.

Of the gauge of track.

SEC. 27. The gauge of track or width between the rails of all railroads in this territory shall be not less than five feet and six inches.

Powers of the corporation in constructing the road.

SEC. 28. Every corporation formed under this act shall, in addition to the powers hereinbefore conferred, have power—
1st. To cause such examination and survey of its proposed railroad to be made as may be necessary to the selection of the most advantageous route, and, for such purpose, by its officers, agents or servants, to enter upon the lands or waters of any person, but subject to responsibility for all damages which shall be done thereto. 2d. To take and hold such voluntary grants of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of its railroad ; but the real estate received by voluntary grant shall be held and used for the purposes of such grant only.

3d. To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of its railroad, and the stations and other accommodations necessary to accomplish the object of its incorporation.

4th. To lay out its road not exceeding one hundred feet in width, and to construct the same ; and, for the purposes of cuttings and embankments, to take as much more land as may be necessary for the proper construction and security of the road, and to cut down any standing trees that may be in danger of falling on the road, making compensation therefor as provided in this act for lands taken for the use of the company.

5th. To construct its road across, along or upon any stream of water, water-course, street, highway, plank road, turnpike, or canal, which the route of its road shall intersect or touch ; but the company shall restore the stream, water-course, street, highway, plank road and turnpike thus intersected or touched to its former state, or to such state as not unnecessarily to have impaired its usefulness. Nothing in this act shall be construed to authorize the erection of any bridge or any other obstruction across or over any stream navigated by steamboats at the place where any bridge or other obstruction may be proposed to be placed, so as to prevent the navigation of such stream, nor to authorize the construction of any railroad not already located in, upon or across any street in any city, without the assent of the corporation of said city.

6th. To cross, intersect, join and unite its railroad with any other railroad before constructed, at any point in its route and upon the ground of such other railroad company, with the necessary turn-outs, sidings and switches, and other conveniences, in furtherance of the objects of its connections ; and every company whose railroad is or shall be hereafter intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid ; and if the two corporations can not agree upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined by commissioners to be appointed by the court, as is provided in the act in respect to acquiring title to real estate.

7th. To take and convey persons and property on their railroad by the power or force of steam or of animals, or by any mechanical power, and to receive compensation therefor.

8th. To erect and maintain all necessary and convenient buildings,

stations, fixtures, and machinery, for the accommodation and use of their passengers, freight and business. 9th. To regulate the time and manner in which passengers and property shall be transported, and the compensation to be paid therefor. 10th. From time to time to borrow such sums of money as may be necessary for completing and finishing or operating their railroad, and to issue and dispose of their bonds for any amount so borrowed, and to mortgage their corporate property and franchises to secure the payment of any debt contracted by the company for the purposes aforesaid; and the directors of the company may confer on any holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors may see fit to adopt.

County commissioners or city council may subscribe to the capital stock, &c.

SEC. 29. It shall be lawful for the board of county commissioners of any county, and the city council of any city, to subscribe to the capital stock of any railroad company duly organized under this or any other act in this territory, and the board of county commissioners or city council subscribing or proposing to subscribe to such capital stock, may, for information, cause an election to be held to ascertain the sense of the tax payers of such county or such city as to such subscription, and as to whether the same shall be paid by issues of county or city bonds, as the case may be, or by taxation.

City or county will be like other subscribers.

SEC. 30. Upon the making of such subscription by any board of county commissioners or city as provided for in the previous section, such county or city shall thereupon become, like other subscribers to such stock, entitled to the privileges granted and subject to the liabilities imposed by this act, or by the charter of the company in which such subscription shall be made; and in order to raise funds to pay the instalments which may be called for from time to time by the board of directors of such railroad, it shall be the duty of the board of county commissioners or city council making such subscription, to issue their bonds or levy a special tax upon all property and taxables made taxable by law for territorial and county purposes in the county or city to pay such instalments, to be kept apart from other funds and appropriated to no other purpose than the payment of such subscription. But the total amount of tax levied for railroad purposes in any one year in any county or city shall not exceed thirty per centum of the subscription made by any

County commissioners may issue bonds or levy taxes.

such county or city, and in case a subscription be made to the capital stock of the same railroad by a county, and also by a city situated within such county, the special tax aforesaid shall not be levied in both such county and city; but the tax levied for such county subscription shall be levied outside the limits of such city; and for the purpose of levy and collecting the tax aforesaid, the same books may be used as employed by the assessor of taxes for territorial or county purposes, and the last previous assessment for those purposes shall be taken.

Of city and county taxation.

SEC. 31. For all such taxes, levied and collected for railroad purposes, the board of county commissioners or the city council, as the case may be, shall cause to be issued and delivered to the persons paying such special tax, a certificate for the amounts thereof paid, and such certificates shall state the county or city in which, and the railroad for which, the tax was collected, and shall be transferable by the holders thereof, and convertible into stock of such railroad, to such proper officer of such board of county commissioners or city council as shall be designated by such board of commissioners or council, by transfer to be made by such officer in conformity with the by-laws of the railroad company; and when such transfer is made, said company shall issue a certificate of stock to the person entitled thereto, or his legal representative, for the number of full shares thus transferred; *Provided*, that no such certificate of stock shall issue upon transfer unless the full amount of the par value thereon shall have been first paid to the railroad company by the board of county commissioners or city council; *and provided further*, that the total amount of stock certificates so to be issued shall not exceed the amount of the subscription made by such county or city; and in case any of the tax payers in any county or city in which a railroad tax shall be levied, shall have subscribed in good faith to the capital stock of any railroad to which the county or city shall have subscribed, the same shall be entitled to a credit or deduction on the amounts assessed upon them respectively, in proportion to the amounts of their *bona fide* subscriptions, until the aggregate amount of such credits or deductions shall be equal to the amounts of their subscriptions respectively, but thereafter such subscribers shall be liable to the tax aforesaid as other persons. The assessment, collection and payment of the taxes authorized by this section shall be provided for and enforced as other taxes for county or highway purposes, and the board of county com-

County commissioners can issue certificates of stock

Provido.

missioners or city council may require additional security from the collector; and, for any of the objects contemplated by this section, the board of county commissioners of any county, and the city council of any city interested, may appoint and empower an agent to represent the county or city, subscribe or transfer its stock, give its vote and receive its dividends, if any, and such agent to change at pleasure.

Any county subscribing may sell or mortgage swamp lands to pay subscription.

May issue bonds for \$1000, at 7 per cent. per annum.

Any board of commissioners subscribing have the same privileges and liabilities as other stockholders.

A board of county commissioners refusing to perform any of its duties, may be proceeded against by a writ of mandamus.

Every officer or servant of the railroad company shall wear a badge.

SEC. 32. Any county subscribing for railroad stock which shall have internal improvement funds, or overflowed or swamp lands granted to it by the territory, may apply such funds, or mortgage or sell such overflowed or swamp lands, to pay such subscription or any part thereof, and provide for the remainder, if any, by the tax as aforesaid; and any county or city subscribing as aforesaid, may, if so required by the railroad company to raise funds to pay the instalments in anticipation of the collection and payment of its railroad tax, issue the bonds of such county or city of denominations not exceeding one thousand dollars, and bearing interest at a rate not exceeding seven per centum per annum.

SEC. 33. Any board of county commissioners or city which has heretofore subscribed to the capital stock of any railroad in this territory, shall be entitled to the privileges and subject to the liabilities of other stockholders in such company, and the board of county commissioners or city council shall have all the rights and powers to provide funds to pay such subscription as are granted to boards of county commissioners and cities under this act, and may levy a tax to pay the interest on their bonds, or to provide a sinking fund to pay the principal.

SEC. 34. Any board of county commissioners refusing to perform any of the duties required of it by this act, may be proceeded against by writ of mandamus, to be issued out of the criminal court for the county so refusing.

SEC. 35. Every conductor, baggage master, engineer, brakeman, or any servant of any railroad corporation, employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge which shall indicate his office, and the initial letters of the style of the corporation by which he is employed. No conductor or collector, without such badge, shall be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office; and no officer or servant, without such badge, shall have authority to

meddle or interfere with any passenger, his baggage or property.

SEC. 36. If any agent, treasurer, paymaster, conductor or other person, to whose possession or custody any of the moneys of any railroad company may come, shall convert any of such moneys to his own use, he shall be deemed guilty of embezzlement, and shall be punished in the same manner and to the same extent as if he had stolen the amount so embezzled, and a neglect or refusal to pay over such money upon demand shall be deemed *prima facie* evidence of his having embezzled the same.

Of embezzlement.

SEC. 37. All existing railroad corporations shall be exempt from the jurisdiction of justices' courts, except as in this act and in their own charters provided.

Railroad corporations shall be exempt from the jurisdiction of justices' courts, &c.

SEC. 38. Every railroad corporation formed under this act, shall make an annual report to the secretary of the territory, of the operations of the year ending the 30th of November, which report shall be verified by the oath of the treasurer, or president, and acting superintendent of operations, and be filed in the office of the secretary of the territory by the twentieth day of December in each year, and shall state, 1st, the amount of capital as by charter; 2d, the amount of stock subscribed; 3d, the amount paid in as by last report; 4th, total amount now of capital stock paid in; 5th, the funded debt by last report; 6th, the total amount now of funded debt; 7th, the floating debt as by last report; 8th, the amount now of floating debt; 9th, the total amount now of funded and floating debt; 10th, the average rate per annum of interest on funded debt, cost of road and equipment; 11th, the graduation and masonry by last report; 12th, the total amount now expended for the same; 13th, the amount of bridges by last report; 14th, the total amount now expended for the same; 15th, the amount of superstructure, including iron, by last report; 16th, the amount now expended for the same; 17th, for passenger and freight stations, buildings and fixtures by last report; 18th, total amount now expended for the same; 19th, for engine and car houses, machine shops and machinery and fixtures by last report; 20th, total amount now expended for the same; 21st, for land, land damages and fences by last report; 22d, total amount now expended for the same; 23d, for locomotives and fixtures by last report; 24th, total amount now expended for the same; 25th, for passenger and baggage cars by last re-

Every railroad corporation shall make an annual report to the secretary of territory.

port ; 26th, total amount now expended for the same ; 27th, for freight cars by last report ; 28th, total amount now expended for the same ; 29th, for engineering and agencies by last report ; 30th, total amount now expended for the same ; 31st, total cost of road and equipment, characteristics of road ; 32d, length of road ; 33d, length of road laid ; 34th, length of double track, including sidings ; 35th, length of branches owned by the company laid ; 36th, length of double track on the same ; 37th, weight of rail by yard on main track ; 38th, the number of engine houses and shops, of engines and cars and their character ; 39th, it shall also be the duty of each incorporation to transmit to the secretary of the territory the following maps, profiles and drawings, exhibiting the characteristics of their roads—the map to show the length and direction of each straight line, and the length and radius of each curve—also the point of crossing of each city and county line, and the length of line in each city and county, accurately determined by measurements, to be taken after the completion of the road—the profile to be on the map, and shall show the grade, line, and surface of ground, in the usual method—also the elevation of grades above water-marks at each change in the inclination thereof—the maps and profiles to be made on a scale of five thousand feet to one inch—vertical scale of profile to be two hundred feet to one inch. Doings of the year in transportation and total miles run : 40th, miles run by passenger trains ; 41st, miles run by freight trains ; 42d, the rate of fare for passengers charged for the respective classes per mile ; 43d, number of passengers carried in cars ; 44th, number of miles travelled by passengers ; 45th, number of tons of two thousand pounds of freight carried in cars ; 46th, number of miles carried, or total movement of freight in miles, all to be accurately compiled from the daily records or evidences of earnings, manifests and way-bills ; 47th, average miles of speed adopted by ordinary passenger trains, including stops ; 48th, average rate of speed adopted by ordinary passenger trains when in motion ; 49th, average rate of speed adopted by express trains, including stops ; 50th, average rate of speed adopted by express trains when in motion ; 51st, average rate of speed adopted by freight trains, including stops ; 52d, average rate of speed adopted by freight trains when in motion ; 53d, average weight, in tons of two thousand pounds, of passenger trains, exclusive of passengers and baggage ; 54th,

average weight, in tons, of freight trains, exclusive of freight; 55th, the amount of freight, specifying the quantity in tons, of the products of the forest, of animals, of vegetable food, other agricultural products, manufactures, merchandise and other articles. Expenses of maintaining the road, or real estate of the corporation: 56th, the repairs of road-bed and railway, excepting cost of iron, which shall include the cost of labor and materials used during the year—also use and cost of engines engaged in ballasting—also the renewal and repair of gravel and stone cars, and all items of cost connected with keeping the road in order; 57th, for depreciation of way; 58th, length of iron used in renewals, in feet, with weight and cost; 59th, repair of buildings; 60th, repair of fences and gates; 61st, taxes and real estate; 62d, total expenses of maintaining road, or real estate for the year; 63d, expenses of machinery or personal property of the corporation; 64th, repairs of engines and tenders; 65th, depreciation of engines and tenders; 66th, repairs of passenger and baggage cars; 67th, depreciation of passenger and baggage cars; 68th, repairs of freight cars; 69th, depreciation of freight cars; 70th, repairs of tools and machinery in shops; 71st, incidental expenses, including fuel, oil, clerks, watchmen about shops; 72d, total expenses of repairs of machinery; 73d, office expenses and stationery; 74th, agents and clerks; 75th, labor, handling freight, loading and unloading; 76th, porters, watch and switchmen; 77th, wood and water station attendants; 78th, conductors, baggagemen and brakemen; 79th, enginemen and firemen; 80th, fuel (first cost and labor preparing for use); 81st, oil and waste for engine and tenders; 82d, oil and waste for freight cars; 83d, oil and waste for baggage and passenger cars; 84th, loss and damage of goods and baggage; 85th, damages for injuries to persons; 86th, damages to property, including damages by fire, cattle killed on road; 87th, general superintendence; 88th, contingencies; 89th, total expenses of operating roads; 90th, the above statements are to be made without reference to the sums actually received or paid during the year. The following statement of the earnings and cash receipts and payments are required: 91st, from passengers; 92d, from freight; 93d, from other sources; 94th, the above to be stated without reference to the amount actually collected; 95th, receipts during the year from freights; 96th, from passengers; 97th, from other sources, specifying what in detail;

98th, payment for transportation expenses ; 99th, for interest ; 100th, dividends on stock—amount and rate per cent. ; 101st, payments to surplus fund, and total amount of said fund ; 102d, the number of persons injured in life and limb—the cause of injury, and whether passengers or employees ; 103d, it shall be the duty of the secretary of the territory to arrange the information contained in such reports, in a tabular form, and prepare the same, together with the said reports, in a single document for printing, for the use of the legislature, and report the same to the legislature in the first week of its session ; 104th, all the items under the heads of expenses of maintaining the road or real estate of the corporation—expenses of machinery or personal property of the corporation—expenses of use of road and machinery, or operating the road, shall be carried out under two heads—the one showing the cost of freight transportation—the other, the cost of passenger transportation ; 105th, the provisions of this section shall apply to all existing railroad corporations, and the report of the said existing railroad corporations, made in pursuance of the provisions of this section, shall be deemed to be a full compliance with any existing law requiring annual reports to be made by such corporation.

A corporation neglecting to make such report, liable to a fine.

SEC. 39. Any such corporation which shall neglect to make the report as is provided in the preceding section, shall be liable to a penalty of two hundred and fifty dollars, to be recovered by indictment before any court having competent jurisdiction.

Of interest on payments.

SEC. 40. Any railroad company may open and keep an interest account with their stockholders from the dates of their payments on their subscriptions respectively ; and, in order to place all their stockholders on an equal footing, may allow interest from the dates of such payments, payable in stock, for such time and under such regulations as the board of directors may prescribe.

Of carrying the mails of the United States.

SEC. 41. Any such corporation shall, when applied to by the postmaster general, convey the mails of the United States on their road or roads respectively ; and in case such corporation shall not agree as to the rate of transportation therefor, and as to the time, rate of speed, manner and condition of carrying the same, it shall be lawful for the governor of this territory to appoint three commissioners, who, or a majority of them, after fifteen days' notice in writing of the time and place

of meeting to the corporation, shall determine and fix the prices, terms and conditions aforesaid ; but such price shall not be less for carrying said mails in the regular passenger trains than the amount such corporation would receive as freight on a like weight of merchandise transported in their merchandise trains, and a fair compensation for the post-office car ; and in case the postmaster general shall require the mails to be carried at other hours, or at higher speed than the passenger trains are run, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the services to be fixed as aforesaid.

SEC. 42. If any passenger shall refuse to pay his fare, it shall be lawful for the conductor of the train and servants of the corporation to put him and his baggage out of the cars, using no unnecessary force, and at any usual stopping place, or near any dwelling-house, as the conductor shall select on stopping the train.

Conductor may put off the train a passenger refusing to pay his fare.

SEC. 43. Every such corporation shall start and run the cars for the transportation of passengers and property at any regular time, to be fixed by public notice, and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall, within a reasonable time previous thereto, be offered for transportation at the place of starting and the junction of other railroads, and at usual stopping places, established for receiving and discharging way-passengers and freight for that train ; and shall take, transport and discharge such passengers and property at, from and to such places, on the due payment of the freight or fare legally authorized therefor ; and shall be liable to the party aggrieved, in an action for damages, for any neglect or refusal in the premises.

Of the transportation of passengers.

SEC. 44. A check shall be affixed to every parcel of baggage, when taken for transportation by the agent or servant of such corporation, if there is a handle, loop or fixture, so that the same can be attached upon the parcel of baggage so offered for transportation, and a duplicate thereof given to the passenger or person delivering the same on his behalf ; and if such check shall be refused on demand, the corporation shall pay to such passenger the sum of ten dollars, to be recovered in a civil action ; and further, no fare or toll be collected or received from such passenger ; and if such passenger shall have paid his fare, the

Checks shall be put upon every parcel of baggage.

same shall be refunded by the conductor in charge of the train ; and on producing said check, if his baggage shall not be delivered to him, he may himself be a witness in any suit brought by him to prove the contents and value of his baggage.

Officer may be punished for placing in the rear of the passenger cars, baggage cars, &c.

SEC. 45. In forming a passenger train, baggage, freight, merchandise or lumber cars shall not be placed in rear of passenger cars ; and if they or any of them shall be so placed, the officer or agent who so directed or knowingly suffered such an arrangement, and the conductor of the train, shall be deemed guilty of a misdemeanor, and be punished accordingly.

Bell or whistle shall be sounded near crossings.

SEC. 46. A bell shall be placed on each locomotive engine, and be rung at a distance of at least eighty rods from the place where the railroad shall cross any travelled public road or street, and be kept ringing until it shall have crossed such road or street ; or a steam whistle shall be attached to each locomotive engine, and be sounded at least eighty rods from the place where the railroad shall cross such road or street, except in cities, and be sounded at intervals until it shall have crossed such road or street, under a penalty of twenty dollars for every neglect of the provisions of this section, to be paid by the corporation owning the railroad, to be sued for by the district attorney of the proper district within ten days after such penalty was incurred, one-half thereof to go to the informer, and the other half to the county ; and said corporation shall also be liable for all damages which shall be sustained by any person by reason of such neglect.

Sign-boards shall be placed at such crossings.

SEC. 47. Every such corporation shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained across such travelled public road or street, where the same is crossed by the railroad on the same level. Said boards shall be elevated so as not to obstruct the travel, and to be easily seen by travellers ; and on each side of such board shall be painted, in capital letters, of at least the size of nine inches each, the words, " railroad crossing—look out for the cars." But this section shall not apply to streets in cities or villages, unless the corporation shall be required to put up such boards by the officers having charge of such streets.

If an officer shall be intoxicated, deemed guilty of a misdemeanor.

SEC. 48. If any person shall, while in charge of a locomotive engine running upon the railroad of any such corporation, or while acting as the conductor of a car, or train of cars, on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor.

SEC. 49. If any person or persons shall wilfully do or cause to be done any act or acts whatever whereby any building, construction or work of any railroad corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence.

Persons causing injury to railroad works, how punished.

SEC. 50. All penalties imposed by this act may be sued for in the name of the territory of Kansas, and if such penalty be for a sum not exceeding one hundred dollars, then such suit may be brought before a justice of the peace, and may be commenced by serving a summons on any director of such company.

Penalties, how sued for.

SEC. 51. Every corporation formed under this act shall erect and maintain fences on the sides of their road, where the same passes through enclosed fields, of the height and strength of a division fence required by law, with openings or gates or bars therein, and farm crossings of the road for use of the proprietors of lands adjoining such railroad, and also construct and maintain cattle-guards at all road crossings suitable and sufficient to prevent cattle and animals from getting on the railroad. Until such fences and cattle-guards shall be duly made, the corporation and its agents shall be liable for all damages which shall be done by their agents or engines to cattle, horses or other animals thereon; and after such fences and guards shall be duly made and maintained, the corporation shall not be liable for any such damages, unless negligently or wilfully done; and if any person shall ride, lead or drive any horse or other animal upon such road, and within such fences and guards other than a farm crossing, without the consent of a corporation, he shall for every such offence forfeit a sum not exceeding ten dollars, and shall also pay all damages which shall be sustained thereby to the party aggrieved. It shall not be lawful for any person, other than those connected with or employed upon the railroad, to walk along the track or tracks of any railroad except where the same shall be laid along public roads or streets.

Company shall fence the road in when it passes through enclosed fields.

SEC. 52. Every corporation shall within a reasonable time after their road shall be constructed cause to be made a map and profile thereof, and of the land taken or obtained for the use thereof, and file the same in the office of the secretary of

A map shall be made of the road and filed.

the territory, and also like maps of the parts thereof located in different counties, and file the same in the office for recording deeds in the county in which such parts of said road shall be. Every such map shall be drawn on a scale, and on paper, to be designated by the secretary of the territory, and certified and signed by the president or engineer of such corporation.

In case passengers are injured on trains.

SEC. 53. In case any passenger on any railroad shall be injured while on the platform of a car, or in any baggage, wood or freight car, in violation of the printed regulations of the company posted up at the time in a conspicuous place inside of its passenger cars then in the train, such company shall not be liable for the injury; provided, said company at the time furnished room inside its passenger cars sufficient for the proper accommodation of the passengers.

A railroad must be commenced within two years and put in operation in five years after its articles of association are filed.

SEC. 54. If any corporation formed under this act shall not within two years after its articles of association are filed and recorded in the office of the secretary of the territory, begin the construction of its road and expend thereon ten per cent. on the amount of its capital, or shall not finish the road and put it in operation in five years from the time of filing its articles of association as aforesaid, its corporate existence shall cease.

Legislature may amend this act.

SEC. 55. The legislature may at any time alter or amend this act, but such alteration or amendment shall not impair the rights of companies previously organized, or take away or impair any remedy given against any such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

All railroads in the territory shall have all the powers and privileges contained in this act, and subject to its liabilities, &c.

SEC. 56. All existing railroad corporations within this territory, and such as now or may be hereafter chartered, shall respectively have and possess all the powers and privileges contained in this act, and they shall be subject to all the duties, liabilities and provisions not inconsistent with the provisions of their charter, contained in sections 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 53 of this act.

This act to be in force from and after its passage.

Approved February 17th, 1857.

AUDITOR TO SETTLE WITH COMPTROLLER.

AN ACT to authorize the Auditor to settle with the Comptroller of the Treasury.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That the auditor of public accounts is required to make full settlement, and hand over all books, papers and documents in his possession to the comptroller of the treasury of the territory.

Auditor required to make settlement with the comptroller.

SEC. 2. That the comptroller of the treasury of the territory is required to make settlement with the auditor of public accounts, and to receipt for all books, papers and documents which he may receive from the auditor.

Comptroller required to make settlement with the auditor.

This act to take effect and be in force from and after its passage.

Approved February 23d, 1857.

 BOUNDARIES.

AN ACT more particularly to define the Boundaries of the several Counties in Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. The county of Johnson shall be bounded as follows : Beginning in the middle of the main channel of the Missouri river at the point near the mouth of the Kansas river where the said channel crosses the west line of the state of Missouri ; thence south, with said west line of the state of Missouri, to the corner of fractional sections fourteen (14) and twenty-three (23) on said line, in township fifteen (15) south, of range twenty-five (25) east, of the sixth principal meridian ; thence west along the section lines to the corner or sections fourteen (14), fifteen (15), twenty-two (22) and twenty-three (23), township fifteen (15) south, of range twenty-one (21) east ; thence north with the section line to the intersection of the main channel of the Kansas river ; thence down said river, in

County of Johnson,

the middle of the main channel thereof, to the middle of the channel of the Missouri river; thence down the middle of the main channel of the Missouri-river, to the point of beginning.

County of Ly-
kins.

SEC. 2. The county of Lykins shall be bounded as follows: Beginning at the south-east corner of Johnson county; thence south, along the west line of the state of Missouri, to the corner on said line to fractional sections fourteen (14) and twenty-three (23,) township nineteen (19) south, of range twenty-five (25) east; thence west, along the section lines to the corner of sections fourteen (14), fifteen (15), twenty-two (22) and twenty-three (23), of township nineteen (19) south, of range twenty-one (21) east; thence north, along the section lines between the second and third tier of sections, to the south-west corner of Johnson county; thence east, along the south boundary of said Johnson county, to the beginning.

County of Linn.

SEC. 3. The county of Linn shall be bounded as follows: Beginning at the south-east corner of Lykins county; thence south, along the west boundary of the state of Missouri, to the corner on said line to fractional sections thirteen (13) and twenty-four (24), township twenty-three (23) south, of range twenty-five (25) east; thence west, along the section lines to the corner to sections fourteen (14), fifteen (15), twenty-two (22) and twenty-three (23), township twenty-three (23) south, of range twenty-one (21) east; thence north, along the section lines between the second and third tier of sections, to the south-west corner of Lykins county; thence east, along the south boundary of said Lykins county, to the point of beginning.

County of Bour-
bon.

SEC. 4. The county of Bourbon shall be bounded as follows: Beginning at the south-east corner of Linn county; thence south, along the west boundary of the state of Missouri, to the corner on said line to fractional sections 13 and 14, township 28 south, of range 25 east; thence west, along the section lines to the corner to sections 14, 15, 22 and 23, township 28 south, of range 21 east; thence north, along the section lines between the second and third tier of sections, to the south-west corner of Linn county; thence east, along the south boundary of said Linn county, to the place of beginning.

County of McGee.

SEC. 5. The county of McGee shall be bounded as follows: Beginning at the south-west corner of Bourbon county; thence south, along the section lines between the second and third tier of sections, to the south boundary of the territory; thence

east, along said south boundary of the territory, to the intersection with the west boundary of the state of Missouri; thence north, along said west boundary of the state of Missouri, to the south-east corner of Bourbon county; thence west, along the south boundary of said Bourbon county, to the place of beginning.

SEC. 6. The county of Douglas shall be bounded as follows: County of Douglas.
Beginning at the north-west corner of Johnson county; thence south, along the west boundary of said Johnson county, to the south-west corner of said Johnson county; thence west, along the section lines, to the corner of sections 14, 15, 22 and 23, township 15 south, of range 17 east; thence north, along the section line between the second and third tier of sections, to the intersection of the middle of the main channel of the Kansas river; thence, down the same middle of the main channel of said Kansas river, to the place of beginning.

SEC. 7. The county of Franklin shall be bounded as follows: County of Franklin.
Beginning at the south-east corner of Douglas county; thence south, along the west boundary of Lykins county, to the south-west corner of said Lykins county; thence west, along the section lines to the corner to sections 14, 15, 22 and 23, township 19 south, of range 17 east; thence north, along the section lines between the second and third tier of sections, to the south-west corner of Douglas county; thence east, along the south boundary of said Douglas county, to the place of beginning.

SEC. 8. The county of Anderson shall be bounded as follows: County of Anderson.
Beginning at the south-east corner of Franklin county; thence south, with the west boundary of Linn county, to the south-west corner of said Linn county; thence west, with the section lines to the corner to sections 14, 15, 22. and 23, of township 23 south, of range 17 east; thence north, with the section lines between the second and third tier of sections, to the south-west corner of Franklin county; thence east, along the south boundary of Franklin county, to the place of beginning.

SEC. 9. The county of Allen shall be bounded as follows: County of Allen.
Beginning at the south-east corner of Anderson county; thence south, along the west boundary of Bourbon county, to the south-west corner of said Bourbon county; thence west, along the section lines to the corner to sections 14, 15, 22 and 23, township 28 south, of range 17 east; thence north, along the section lines dividing the second and third tier of sections, to the south-west corner of Anderson county; thence east, along the

south boundary of Anderson county, to the place of beginning.

County of Dorn. SEC. 10. The county of Dorn shall be bounded as follows : Beginning at the south-west corner of Allen county ; thence south, with the section lines dividing the second and third tier of sections, to the intersection with the south boundary of the territory ; thence east, along said south boundary of the territory, to the south-west corner of McGee county ; thence north, with the west boundary of McGee county, to the south-east corner of Allen county ; thence west, with the south boundary of said Allen county, to the place of beginning.

County of Shawnee. SEC. 11. The county of Shawnee shall be bounded as follows : Beginning at the south-west corner of Douglas county ; thence west, with the section lines to the corner to sections 14, 15, 22 and 23, township 15 south, of range 13 east ; thence north with the section lines to the intersection of the middle of the main channel of Kansas river ; thence down said river, in the middle of the main channel thereof, to the north-west corner of Douglas county ; thence south, with the west boundary of said Douglas county, to the place of beginning.

County of Weller. SEC. 12. The county of Weller shall be bounded as follows : Beginning at the north-west corner of Franklin county ; thence south, with the west boundary of said Franklin county, to the south-west corner thereof ; thence west, with the section lines to the corner to sections 14, 15, 22 and 23, township 19 south, of range 13 east ; thence north, with the section lines dividing the second and third tier of sections, to the south-west corner of Shawnee county ; thence east, with the south boundary of said Shawnee county, to the place of beginning.

County of Coffey. SEC. 13. The county of Coffey shall be bounded as follows : Beginning at the south-west corner of Franklin county ; thence west, along the south boundary of Weller county to the south-west corner of said Weller county ; thence south, with the section lines dividing the second and third tier of sections, to the corner to sections 14, 15, 22 and 23, of township 23 south, of range 13 east ; thence east, with the section lines, to the north-west corner of Allen county ; thence north, with the west boundary of Anderson county, to the place of beginning.

County of Woodson. SEC. 14. The county of Woodson shall be bounded as follows : Beginning at the south-west corner of Anderson county ; thence south, along the west boundary of Allen county, to the north-west corner of Dorn county ; thence west, with the sec-

tion lines, to the corner to sections 14, 15, 22 and 23, of township 28 south, of range 13 east; thence north, with the section lines dividing the second and third tier of sections, to the south-west corner of Coffey county; thence east, along the south boundary of said Coffey county, to the place of beginning.

SEC. 15. The county of Wilson shall be bounded as follows: County of Wilson.
Beginning at the south-west corner of Woodson county; thence south, with the section lines dividing the second and third tier of sections, to the intersection of the south boundary of the territory; thence east, along said south boundary of the territory, to the south-west corner of Dorn county; thence north, along the west boundary of said Dorn county, to the south-east corner of Woodson county; thence west, along the south boundary of said Woodson county, to the place of beginning.

SEC. 16. The county of Richardson shall be bounded as follows: County of Richardson.
Beginning at the south-west corner of Shawnee county; thence west, with the section lines, to the corner to sections 14, 15, 22 and 23, of township 15 south, of range 9 east; thence north, with the section lines dividing the second and third tier of sections, to the middle of the main channel of the Kansas river; thence down said river, in the middle of the main channel thereof, to the north-west corner of Shawnee county; thence south, with the west boundary of said Shawnee county, to the place of beginning.

SEC. 17. The county of Breckenridge shall be bounded as follows: County of Breckenridge.
Beginning at the south-east corner of Richardson county; thence south, with the west boundary of Weller county, to the south-west corner thereof; thence west, along the section lines, to the corner of sections 14, 15, 22 and 23, of township 19 south, of range 9 east; thence north, with the section lines dividing the second and third tier of sections, to the south-west corner of Richardson county; thence east, with the south boundary of Richardson county, to the place of beginning.

SEC. 18. The county of Madison shall be bounded as follows: County of Madison.
Beginning at the south-east corner of Breckenridge county, thence south with the west boundary of Coffey county to the south-west corner thereof; thence west with the section lines to the corner of sections 14, 15, 22, 23, of township 23 south, of range 9 east; thence north with the section lines dividing the second and third tier of sections to the south-west corner of Breckenridge county; thence east with the south boundary of said Breckenridge county to the place of beginning.

County of Greenwood.

SEC. 19. The county of Greenwood shall be bounded as follows: Beginning at the south-east corner of Madison county, thence south along the west boundary of Woodson county to the south-west corner thereof; thence west along the section lines to the corner of sections 14, 15, 22, 23, of township 28 south, of range 9 east; thence north along the section lines dividing the second and third tier or sections to the south-west corner of Madison county; thence east along the south boundary of said Madison county to the place of beginning.

County of Godfrey.

SEC. 20. The county of Godfrey shall be bounded as follows: Beginning at the south-west corner of Greenwood county, thence south with the section lines dividing the second and third tier of sections to the intersection of the south boundary of the territory; thence east with said south boundary to the south-west corner of Wilson county; thence north with the west boundary of said Wilson county to the north-west corner thereof; thence west with south boundary of Greenwood county to the place or beginning.

County of Davis.

SEC. 21. The county of Davis shall be bounded as follows: Beginning at the south-west corner of Richardson county, thence west along the section lines to the corner of sections 18, 19, 13, 24, of township 15 south, on range line between ranges 4 and 5 east; thence north with said range line to the middle of the main channel of the Smoky Hill fork of the Kansas river; thence down the middle of the main channel thereof to the middle of the main channel of the Kansas river; thence down the middle of the main channel thereof to the north-west corner of Richardson; thence south with the west boundary of Richardson county to the place of beginning.

County of Wise.

SEC. 22. The county of Wise shall be bounded as follows: Beginning at the south-east corner of Davis county, thence south with the west boundary of Breckenridge and Madison counties to the corner to sections 14, 15, 22, 23, of township 25 south, of range 9 east; thence west along the section lines to the corner to sections 18, 19, 13, 24, on range line between ranges 4 and 5 east; thence north with said range line to the south-west corner of Davis county; thence east along the south boundary of Davis county to the place of beginning.

County of Butler.

SEC. 23. The county of Butler shall be bounded as follows: Beginning at the south-east corner of Wise county, thence south along the west boundaries of Madison and Greenwood counties to the corner to section 14, 15, 22 and 23, of township 25 south, of range 9 east; thence west along the section

lines to the corner to sections 18, 19, 13 and 24, on range line between ranges 4 and 5 east; thence north with said range line to the south-west corner of Wise county; thence east along the south boundary of Wise county to the place of beginning.

SEC. 24. The county of Hunter shall be bounded as follows: Beginning at the south-west corner of Butler county, thence south along the range line between ranges 4 and 5 east, to the intersection of the south boundary of the territory; thence east along said boundary to the south-west corner of Godfrey county; thence north along the west boundary of Godfrey and Greenwood counties to the south-east corner of Butler county; thence west along the south boundary of Butler county to the place of beginning.

County of Hunter.

SEC. 25. The county of Doniphan shall be bounded as follows: Beginning at the point in the middle of the main channel of the Missouri river where it is intersected by the base line, or north boundary of the territory; thence west along said base line to the corner on said line between ranges 18 and 19 east; thence south along said range line to the corner to townships 4 and 5 south; thence east along the township lines to the corner to ranges 20 and 21 east; thence south along the line between ranges 20 and 21 east to the middle of the main channel of Independence creek; thence down said creek, in the middle of the main channel thereof, to the middle of the main channel of the Missouri river; thence up said Missouri river, in the middle of the main channel thereof, to the place of beginning.

County of Doniphan.

SEC. 26. The county of Atchison shall be bounded as follows: Beginning at the south-east corner of Doniphan county, thence with the south boundary of Doniphan county to the township line between townships 4 and 5 south; thence west with said township line between townships 4 and 5 south to the range line between ranges 16 and 17 east; thence south with said range line to the corner to sections 24, 25, 19 and 30, of township 7 south; thence east with the section lines to the intersection of the middle of the main channel of the Missouri river; thence up said Missouri river, in the middle of the main channel thereof, to the place of beginning.

County of Atchison.

SEC. 27. The county of Leavenworth shall be bounded as follows: Beginning at the south-east corner of Atchison county, thence west with the south boundary of Atchison county to the corner to sections 21, 22, 27 and 28, of township 7 south, of range 20 east; thence south with the section lines between the third and fourth tier of sections to the middle of the main

County of Leavenworth.

channel of the Kansas river ; thence down said Kansas river, in the middle of the main channel thereof, to the intersection of the middle of the main channel of the Missouri river ; thence up said Missouri river, in the middle of the main channel thereof, to the place of beginning.

County of
Browne.

SEC. 28. The county of Browne shall be bounded as follows : Beginning at the north-west corner of Doniphan county, thence west with the base line or north boundary of the territory to the corner between ranges 14 and 15 east ; thence south with the range line between ranges 14 and 15 east to the first standard parallel south ; thence east along the first standard parallel to the corner between ranges 16 and 17 east, township 5 south ; thence north with the range line between ranges 16 and 17 to the corner to townships 4 and 5 south ; thence east with the township lines to the corner to townships 4 and 5 south, between ranges 18 and 19 east ; thence north with the range line between ranges 18 and 19 east to the place of beginning.

County of Jef-
ferson.

SEC. 29. The county of Jefferson shall be bounded as follows : Beginning at the north-west corner of Leavenworth county, thence west with the section lines to the corner to sections 23, 24, 25 and 26, township 7 south, of range 16 east ; thence south with the section lines between the first and second tier of sections to the middle of the main channel of the Kansas river ; thence down the Kansas river, in the middle of the main channel thereof, to the south-west corner of Leavenworth county ; thence north with the west boundary of Leavenworth county to the place of beginning.

County of Ne-
maha.

SEC. 30. The county of Nemaha shall be bounded as follows : Beginning at the north-west corner of Browne county, thence west along the base line or north boundary of the territory to the corner between ranges 10 and 11 ; thence south with the range line to the first standard parallel ; thence east with the first standard parallel to the south-west corner of Browne county ; thence north with the west boundary of Browne county to the place of beginning.

County of Cal-
houn.

SEC. 31. The county of Calhoun shall be bounded as follows : Beginning at the south-west corner of Jefferson county, thence north with the west boundary thereof to the north-west corner of said Jefferson county ; thence east between sections 24, 25, 19 and 30, on range line between ranges 16 and 17 east, township 7 south ; thence north with said range line to the first standard parallel ; thence west along the south boundaries of Browne and Nemaha counties with the first standard parallel

to the corner to sections 1 and 2, of township 6 south, of range 12 east; thence south with the section lines between the first and second tier of sections to the middle of the main channel of Kansas river; thence down the Kansas river, in the middle of the main channel thereof, to the place of beginning.

SEC. 32. The county of Marshall shall be bounded as follows: Beginning at the north-west corner of Nemaha county, thence west along the base line or north boundary of the territory to the corner between ranges 5 and 6; thence south with range line between ranges 5 and 6 to the first standard parallel; thence east with said first standard parallel to the south-west corner of Nemaha county; thence north with the west boundary of Nemaha county to the place of beginning.

County of Marshall shall.

SEC. 33. The county of Washington shall be bounded as follows: Beginning at the north-west corner of Marshall county, thence west along the base line or north boundary of the territory to the intersection of the sixth principal meridian; thence south along said principal meridian to the first standard parallel; thence east along the first standard parallel to the south-west corner of Marshall county; thence north with the west boundary of Marshall county to the place of beginning.

County of Washington.

SEC. 34. The county of Potawattamie shall be bounded as follows: Beginning at the north-west corner of Calhoun county, thence west along the south boundaries of Nemaha and Marshall counties to the middle of the main channel of Big Blue river; thence down the Big Blue river, in the middle of the main channel thereof, to the middle of the main channel of the Kansas river; thence down the Kansas river, in the middle of the main channel thereof, to the south-west corner of Calhoun county; thence north with the west boundary of Calhoun county to the place of beginning.

County of Potawattamie.

SEC. 35. The county of Riley shall be bounded as follows: Beginning at the north-west corner of Potawattamie county, thence west along the south boundaries of Marshall and Washington counties to the corner to sections 2 and 3, township 6 south, of range 4 east; thence south with the section lines dividing the second and third tier of sections to the middle of the main channel of the Smoky Hill fork of Kansas river; thence down the said Smoky Hill fork, in the middle of the main channel thereof, to the middle of the main channel of the Kansas river, at its intersection with the Big Blue river; thence up the Big Blue river, in the middle of the main channel thereof, to the place of beginning.

County of Riley.

County of Clay.

SEC. 36. The county of Clay shall be bounded as follows : Beginning at the north-west corner of Riley county, thence west along the south boundary of Washington county to the sixth principal meridian ; thence south along the sixth principal meridian to the second standard parallel ; thence east along said second standard parallel to the corner of sections 34 and 35, township 10 south, of range 4 east ; thence north along the west boundary of Riley county to the place of beginning.

County of Dickinson.

SEC. 37. The county of Dickinson shall be bounded as follows : Beginning at the south-east corner of Clay county, thence west along the south boundary of said Clay county to the south-west corner thereof ; thence south along the sixth principal meridian to corner to townships 16 and 17 south ; thence east along the township line to the range line between ranges 4 and 5 east ; thence north along said range line to the middle of the main channel of the Smoky Hill fork of the Kansas river ; thence up the middle of the main channel of the Smoky Hill fork to the south-west corner of Riley county ; thence north with the west boundary of Riley county to the place of beginning.

Approved February 20th, 1857.

BAIL.

AN ACT to authorize Courts and Judges to admit to bail in certain cases.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Power of district court to admit to bail, &c.

SECTION 1. The district court, or any judge thereof in vacation, shall have power and authority to admit to bail any prisoner on charge or under indictment for any crime or offence, of any character whatever, whether such crime or offence shall have been heretofore bailable or not ; such court or judge, on every such application for bail, exercising a sound discretion in the premises.

This act to take effect from and after its passage.

This bill having been returned by the governor with his objections thereto, and after reconsideration having passed both houses by the constitutional majority, it has become a law this the 26th day of January, 1857.

COMPENSATION OF COUNTY TREASURER.

AN ACT prescribing the compensation of County Treasurer.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. The county treasurers of the several counties in this territory shall be entitled to receive as a full compensation for their services ten per cent. on the first thousand dollars received into the treasury, seven and a half per cent. on the second thousand dollars, and five per cent. on all over two thousand dollars so received ; *Provided*, that the compensation of any of such treasurers shall not exceed six hundred dollars per annum.

Compensation of county treasurer for services.

The same not to exceed six hundred dollars per annum.

This act to take effect and be in force from and after its passage.

Approved, February 17th, 1857.

 AUDITING CLAIMS.

AN ACT to provide for the Auditing of Claims.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Wilson Shannon is hereby appointed commissioner, whose duty it shall be to audit and certify all claims of all and every person or persons who may present the same for consideration, for all moneys actually and necessarily expended for the purpose of maintaining and carrying into effect the laws of this territory, or for the purpose of suppressing any rebellion or insurrection, whether in sustaining the militia or any posse of the marshal, or any sheriff of any county of the territory ; and all persons who shall have furnished any provisions or other actual necessities for the militia, or for the posse of the said marshal, or any such sheriff, engaged in the sustenance, maintenance, or carrying into effect the laws of this territory, or for the purpose of suppressing any rebellion or insurrection within this territory, and all persons who may have sustained any loss or damage in consequence of, or grow-

Wilson Shannon hereby appointed commissioner; his duties.

ing out of the difficulties in this territory by way of loss of property, or consequent expenses, at any time since the passage of the act to organize this territory ; and the said commissioner shall, at such times as he may designate, between the date of the passage of this act and the first day of January next, hold a session for such length of time as may be necessary at each of the following places in this territory, to-wit : At Fort Scott, in the county of Bourbon ; at Paris, in the county of Linn ; at Paola, in the county of Lykins ; at Ossawattamie, in the county of Lykins ; at Gum Spring, or at the Shawnee Manual Labor School, in the county of Johnson ; at Lawrence, in the county of Douglas ; at Lecompton, in the county of Douglas ; at St. Bernard, in the county of Franklin ; at Tecumseh, in the county of Shawnee ; at Indianola, in the county of Calhoun ; at Osawkee, in the county of Jefferson ; at Leavenworth, in the county of Leavenworth ; at Kickapoo, in the county of Leavenworth ; at Atchison, in the county of Atchison ; at Doniphan, in the county of Doniphan ; at Palermo, in the county of Doniphan ; and at Iowa Point, in the county of Doniphan ; having given thirty days' notice in at least three public newspapers, published in different parts of the territory, of the times at which such sessions will be held at each of such places ; and the said commissioner shall proceed to examine all such demands presented to him, and all vouchers and other proofs offered in support of such demands, and may examine any such claimant or any witness, and shall take down in writing, preserve and certify all such vouchers, statements and testimony, and cast up the amount of the account of all such claimants proven, making a true and correct statement of all such accounts, and certifying the same ; and the said commissioner shall preserve such vouchers, statements and testimony, and such true and correct statements of the amount so found to be due, each claimant in duplicate, and duly certify the same, and one of such statements he shall cause to be laid before the next congress of the United States at the first session thereof, and at as early a day as practicable, and the other he shall lay before the next legislative assembly of the territory of Kansas, at the beginning of the next session thereof.

Of his oath.

SEC. 2. The said commissioner shall, before entering on the discharge of his duties, take and subscribe an oath to support the constitution of the United States, and faithfully discharge the duties enjoined on him by this act ; and he shall be allowed four dollars per day for every day he may be actually engaged

His salary.

in the discharge of his duties, and five cents per mile for every mile necessarily travelled in the discharge of the duties herein provided for.

SEC. 3. The said commissioner may as often as required employ a clerk, which clerk shall receive the sum of three dollars per day for his services; and the said commissioner shall keep an accurate account of his expenditures for stationery, &c., necessary for the purposes herein provided, and the amount of the pay for the services and expenditures for stationery shall be audited by the proper accounting officer of the territory, and a warrant drawn therefor on the territorial treasury; and there shall also be a warrant drawn in favor of any such clerk, so selected, for such sum or sums as may be due him.

Of clerk's salary.

SEC. 4. The sum of twelve hundred dollars is hereby appropriated out of any money not otherwise appropriated for the purposes herein mentioned, or so much thereof as may be necessary.

Twelve hundred dollars hereby appropriated.

SEC. 5. The provisions of this act shall only apply to citizens of this territory, and to no loss, or damage, or expenditures made by any person or citizen of any other state or territory.

This act applies only to citizens of this territory.

SEC. 6. All claims presented before said commissioner shall be presented by petition in writing, setting forth specifically the particulars of such claim, and such petition shall be sworn to before any officer authorized to administer oaths, and the said commissioner herein appointed may administer oaths connected with the duties herein provided; any person who shall swear falsely on any such investigation, whether a claimant or witness, shall be deemed guilty of perjury.

Of claims: how presented.

This act to take effect and be in force from and after its passage.

Approved February 23d, 1857.

AN ACT supplemental to an act, entitled "An act to provide for the Auditing of Claims."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. If any vacancy should occur in the commissionership provided for in the above recited act, the same shall be filled by appointment by the governor of this territory, evidenced by certificate under the territorial seal.

Vacancies to be filled by the governor.

This act to take effect and be in force from and after its passage.

Approved February 23d, 1857.

COUNTY COMMISSIONERS.

AN ACT to legalize the acts of the Board of County Commissioners of the county of Anderson.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Permanent seat
of Justice for An-
derson county.

SECTION 1. That the acts of the board of county commissioners of the county of Anderson, in locating, through a commission appointed for that purpose, the county seat of said county, be and the same is hereby legalized, and the permanent seat of justice of the said county of Anderson is hereby declared to be located at the town of Shannon, in said county.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT legalizing the acts of Probate Judge and County Commissioners of Shawnee county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Acts of probate
judge, &c., here-
by legalized.

SECTION 1. That all contracts and agreements heretofore made by and with the probate judge and county commissioners of Shawnee county, for the erection of the court-house in the town of Tecumseh, in said county, are hereby approved and affirmed.

The bonds here-
tofore issued by
said probate
judge, &c., hereby
declared valid.

SEC. 2. The bonds or other evidences of indebtedness heretofore issued by said probate judge and county commissioners for or on account of the construction of said court-house, are hereby declared valid and binding upon said county; and the said probate judge and county commissioners are hereby authorized and empowered to renew any such bonds or evidences of indebtedness from time to time, or to issue others in such

manner and on such terms as they may deem necessary or advisable, to be applied in payment for building, finishing or furnishing said court-house, or for a county jail hereafter to be erected; *Provided*, that the proportion of tax for the payment of said indebtedness shall not at any time exceed thirty-three and a third cents on each one hundred dollars of assessed property per annum.

This act to take effect from and after its passage.

Approved February 17th, 1857.

AN ACT defining the powers and duties of County Commissioners and other county officers in certain cases.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. Each commissioner's court in the territory of Kansas shall have power in their respective counties to audit, adjust and settle all accounts in which their counties shall be a party; to order the payment, out of the county treasury, of any sum of money found due by the county; to enforce the collection of all money due the county; to order suit to be brought on the bond of any delinquent; to issue all necessary process to secure the attendance of any person, whether party or witness, whom they may deem necessary to examine in the investigation of any account.

Their powers and duties.

SEC. 2. It shall be the duty of the several county tribunals above named, at the October term of said county, in each year, to ascertain the amount of money that has been paid into the county treasury as county revenue for the last twelve months; also, the amount of the debt of said county, and a detailed account of the receipts and expenditures of the same for the last twelve months; and shall strike a balance, showing the deficit, if any, and the balance in the treasury, if any.

They shall keep account, &c.

SEC. 3. The facts then ascertained, and the accounts and statements thus made out, shall be put on record in said courts, and copies of the same shall be put up in the most conspicuous place in each township of the county, by the sheriff, within three weeks after the adjournment of the term at which the proceedings above mentioned shall have been had.

The facts thus ascertained shall be put upon record in said county, &c.

SEC. 4. When the court shall ascertain any sum of money to be due from their county, they shall cause their clerk to issue a

Form of warrant.

warrant therefor, which may be in the following form: "Treasurer of the county of —, pay to — — dollars, out of any money in the treasury appropriated for county expenditures, (or out of the particular fund, as the case may be). Given at the court-house, this — day of —, 18 . By order of the court of commissioners. "A. B., President.

"Test: C. D., Clerk."

Every warrant shall be drawn for the whole amount due.

SEC. 5. Every such warrant shall be drawn for the whole amount found to be due to the person entitled to the same, and but one warrant shall be drawn for the amount allowed to any person at one time; and said warrants shall be numbered progressively throughout each year.

Of the payment of any warrant.

SEC. 6. No county treasurer in this territory shall pay any warrant drawn on him unless such warrant be presented for payment by the person in whose favor such warrant is drawn, or by his assignee, or executor or administrator; and when presented for payment, if there be no money in the treasury for that purpose, the treasurer shall certify on the back of the warrant the date, and subscribe the same; and said warrant shall bear interest at the rate of six per cent. per annum, from the date of said certificate until paid.

Warrants are assignable.

SEC. 7. All warrants drawn on the treasurer of any county shall be assignable, and nothing in this act contained shall be so construed as to prevent the collectors of the revenue from receiving such warrants in payment of county taxes.

Compensation to clerks, &c.

SEC. 8. The courts aforesaid shall allow to their clerks and treasurers a reasonable compensation for their services under this act.

All acts inconsistent with this act hereby repealed.

SEC. 9. All acts and parts of acts inconsistent with and contrary to the provisions of this act are hereby repealed.

This act to take effect and be in force from and after the first day of May, 1857.

Approved February 20th, 1857.

TENDER AND CONFESSION.

AN ACT concerning Tender and Confession.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Defendant may tender to plaintiff the amount of debt.

SECTION 1. At any time before the sitting of the court to which any writ may be returnable, whether the court be one of

record or otherwise, the defendant may tender to the plaintiff or the plaintiff's attorney who brought the action, the amount in specie of the debt and costs, and such tender shall be a bar to any further costs in the proceedings in such case.

SEC. 2. In any action the defendant may confess the plaintiff's action, or any part thereof, and that the plaintiff is entitled to recover certain real estate, or a certain amount of debt or damages, and plead to the residue of his claim; and if the plaintiff shall afterwards prosecute his action, and shall not recover more than is so confessed, the defendant shall recover his costs from the date of such confession.

In case the defendant confesses to the plaintiff's action or any part thereof.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

CONVEYANCES.

AN ACT concerning Conveyances.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That any deed of conveyance which shall be made and duly acknowledged, shall be understood to convey to the grantee as well all the right, title, interest and claim which the grantor had of, in and to the same at the time of such conveyance, as also all the right, title, interest and claim which the said grantor may at any time afterwards acquire of, in and to the real estate in any such deed of conveyance mentioned.

Any deed of conveyance shall convey to grantee all rights, &c., of grantor.

SEC. 2. The receipt of the receiver of the land office of the United States shall be evidence of title in the holder thereof until the contrary be shown, and shall be sufficient proof, when produced, to sustain an action of ejectment, or any other action, or for any other purpose, where the title of the land shall come in question, as fully and absolute as if a patent had issued from the general land office of the United States.

Receipt of the receiver of the land office of the U. S. shall be evidence of title.

SEC. 3. All conveyances and transfers heretofore made of any land in this territory, prior to the issuing of a patent by the general government of the United States, and all conveyances made in this territory before titles were acquired from the

All conveyances, &c., are hereby legalized and declared to be in full force.

general government, are hereby legalized; and all such conveyances are declared to be of full force in law, as if the grantor had have had a full and complete title to said lands, so far as the conveyance by the said grantor and grantee are concerned.

This act to take effect and be in force from and after its passage.

Approved February 23d, 1857.

CURRENCY.

AN ACT to prohibit the circulation of Paper Currency of a less denomination than three dollars.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Bank notes of a less denomination than \$3 not to be circulated.

SECTION 1. That from and after the first day of July next, if any person shall give, take, receive, pass, or circulate, as currency any bank bill, note, check, draft or scrip, of a less denomination than three dollars, whether issued by any bank in this territory or elsewhere, such person so offending for each offence shall be liable to prosecution before any justice of the peace, and, on conviction, shall forfeit and pay four times the amount of the bill, note, check, draft or scrip so circulated; one-half to go to the person prosecuting, and the other half into the county treasury, to be appropriated to school purposes; and all persons so offending shall be subject to indictment, and punished by fine not exceeding five hundred dollars.

Approved February 20th, 1857.

COSTS.

AN ACT to amend the eleventh article of an act entitled "An act concerning Costs."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Costs of criminal offences to be paid by the territory—when.

SECTION 1. In case of all offences punishable by death or confinement and hard labor, the costs shall be paid by the ter-

ritory unless otherwise provided by law, or determined by the judge hearing or trying the same.

SEC. 2. The county in which the indictment is found, or proceedings is pending, shall pay the costs in case of all offences punishable only by fine or imprisonment in the county jail, or by both. County to pay costs in certain cases.

This act to take effect from and after its passage.

Approved February 20th, 1857.

COMPTROLLER.

AN ACT to abolish the office of Auditor of Public Accounts, and to create the office of Comptroller of the Treasury.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. The office of auditor of public accounts is hereby abolished. Office of audit or abolished.

SEC. 2. There is hereby created the office of comptroller of the treasury, and all the powers, duties, emoluments, rights, restrictions, penalties and privileges heretofore conferred upon the auditor of public accounts by the provisions of an act entitled "An act to establish the treasury department, and to define the powers and duties of treasurer and auditor," are hereby conferred upon, and made applicable to the office of comptroller of the treasury. Creates the office of comptroller of treasury.

SEC. 3. There shall be appointed at the present session of the legislative assembly by the governor, by and with the advice of the legislative council, a comptroller of the treasury, who shall hold his office for the term of two years, and until the meeting of the first meeting of the legislative assembly thereafter, and until his successor shall be duly appointed and qualified. Comptroller shall be appointed by the governor and legislative council.

SEC. 4. The comptroller shall be entitled to receive the same salary and compensation as is provided for the auditor of public accounts by an act entitled "An act to fix the salary of auditor and treasurer," and the comptroller is hereby required to perform the duties of register of lands. Salary of comptroller.

SEC. 5. The comptroller of the treasury shall be *ex officio* librarian of the territorial library. Comptroller ex officio librarian.

He shall number all warrants issued by him.

SEC. 6. The comptroller of the treasury shall number all warrants by him issued upon the treasurer of the territory in the order in which the accounts or demands have been audited and allowed, beginning with number one, and continuing until and inclusive of the thirty-first of December of each year; and shall notify the treasurer of the territory immediately of all warrants drawn, specifying number, date and amount, and to whom payable.

Treasurer of territory shall pay all warrants in their order.

SEC. 7. The treasurer of the territory shall pay all warrants drawn on him in the order in which they are numbered, and not otherwise; *Provided*, that if there be money sufficient in the treasury to pay all warrants of a less number than the warrants presented, he shall nevertheless pay such warrants when so presented.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

JUSTICES' COURTS.

AN ACT to amend an act entitled "An act to establish and regulate Justices' Courts."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Any justice may certify the acknowledgment of deeds of land lying in any county in this territory.

SECTION 1. Any justice of the peace may take and certify the acknowledgment of deeds or other conveyances of any land lying in any county in this territory, whether such land be in the county in which such justice may reside or not.

Every justice shall have jurisdiction, over what.

SEC. 2. Every justice of the peace shall have jurisdiction in all actions of trespass to either real or personal property, and all actions for false imprisonment, malicious prosecution, slander, libel, or other damage or injury to the person or property, real or personal, and all actions of replevin, detinue, trover, or other action, where the amount claimed shall not exceed one hundred dollars.

Number of justices to each township.

SEC. 3. Each municipal township in this territory shall be entitled to two justices of the peace, unless there be an incorporated city included within its limits, in which case such township shall be entitled to four justices of the peace.

SEC. 4. At the general election for members of the legislative assembly for the year eighteen hundred and fifty-seven, and every four years thereafter, the qualified voters of each township shall elect the justices of the peace for such township, who shall hold their offices for the term of four years, and until their successors shall be duly elected and qualified.

When justices to be elected.

SEC. 5. Every justice of the peace shall have jurisdiction coextensive with the township in which he is a justice, in all civil matters over which he has cognizance by law, except cases of attachment; *Provided, however*, that where there are two or more defendants residing in different townships, and process has been served upon any one of them, the justice by whom such process was issued shall be empowered to issue secondary original process, returnable before himself, against the other defendant or defendants.

He shall have jurisdiction co-extensive with the township in which he is justice; exception.

SEC. 6. The defendant, or if more than one, any one of them, may, after one day's notice in writing to that effect served upon the plaintiff or plaintiffs, apply to the justice by whom the process was issued for a change of venue; and upon his filing his affidavit that he believes he can not obtain justice on a trial before such justice, such change of venue shall be awarded to him.

Of change of venue.

SEC. 7. Any justice of the peace may sit and try any cause of which he has jurisdiction, at any other day than his regular law day, by the consent of the parties; and any cause may, by consent of the parties, be continued to any day other than a law day. Any justice may continue his law day from day to day until his business is completed.

When justice may try causes.

SEC. 8. On any trial before a justice of the peace, it shall be competent for either party to introduce the opposite party as a witness; and if such party shall refuse to testify in any such cause, the party offering such opposite party as a witness shall be a competent witness in such cause; and either party may cause the opposite party to be summoned as a witness; and if such party so summoned fail to appear, or appearing, refuse to testify, the party so causing the other party to be summoned shall be competent to testify in such cause.

Either party on trial may introduce the opposite party as witness.

SEC. 9. Section number twenty-three of the act to which this act is amendatory shall be so construed as that the transcript therein provided for may be only a transcript of the judgment upon the justice's docket, without the original papers or process in the cause, and the justice may, upon the return of an

Sec. 23 of the act to which this act is amendatory, how construed.

execution, as provided for in said section, with no property found, file the original execution in the office of the clerk of the court in which such transcript may have been filed, at any time, upon the application of the plaintiff.

All writs of execution issuing from justice's court must be returned in sixty days.

SEC. 10. An execution issued by a justice of the peace may vary from the form prescribed by the act to which this act is amendatory, provided the same be in other respects in conformity with said act; and all writs of execution issuing from any justice of the peace, shall be returned in sixty days after the date thereof, without regard to the amount.

Power of constable.

SEC. 11. Any constable in any township shall have power and authority to serve any writ or process in any part of the county in which he is such constable.

In case of forcible entry and detainer.

SEC. 12. Nothing in this act shall be so construed as to require an execution, in case of forcible entry and detainer, or unlawful detainer, to run for sixty days, or to change the law in relation to such execution.

Of the jury.

SEC. 13. In any trial before a justice of the peace, in any action of forcible entry and detainer, or unlawful detainer, the jury shall, if one be required, consist of six men, or any other number agreed on by the parties.

All acts inconsistent with this act repealed.

SEC. 14. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved February 17, 1857.

SUPREME COURT.

AN ACT supplemental to an act entitled "An act to fix the time of holding the Supreme Court."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Time of holding sessions of the supreme court.

SECTION 1. That from and after the passage of this act, the supreme court shall hold a session on the first Monday in June and December annually, in lieu of the time now established, and nothing herein contained shall prevent the said court from holding adjourned terms whenever the judges thereof shall deem it necessary.

This act to take effect and be in force from and after its passage.

Approved February 7th, 1857.

CORPORATIONS.

AN ACT to amend certain parts of an act entitled "An act concerning Corporations."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That sections thirteen, fourteen, sixteen and twenty of an act entitled "An act concerning corporations," be and the same are hereby repealed.

Certain sections of an act repealed.

SEC. 2. That so much of section four as prohibits corporations from buying, selling and dealing in drafts, notes and bills of exchange, or gold, silver, bullion or foreign coins, is also repealed; *Provided*, that no corporation shall, by any implication or construction, be deemed to possess banking powers unless such powers are specially granted in its charter.

That portion of sec. 4 which prohibits corporations from buying, selling, &c., also repealed.

This act to take effect from and after the passage thereof.

Provided, no corporation be deemed to possess banking powers, &c.

Approved February 17th, 1857.

RAILROAD COMPANIES.

AN ACT entitled "An act in relation to Railroad Companies."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. It shall be lawful for all railroad companies within the territory of Kansas to hold so much land at their stations as they may deem necessary; *Provided, however*, that such quantities shall not exceed one quarter section at any one station; and said companies shall have the right to sell and convey said lands, or any part thereof, at any time after it shall appear that it is the interest of said companies to do so.

Quantity of land to be held by railroad companies.

SEC. 2. That subscriptions to the stock of said companies may be made in land, in the same manner as in cash; and said

Subscriptions may be made in land in same manner as in cash.

CENSUS AND ELECTION FOR DELEGATES TO CONVENTION.

companies are hereby authorized to hold, purchase and convey the same as they may deem best for the interests of said companies.

How authorized
to issue bonds.

SEC. 3. That said companies are hereby authorized to issue bonds upon their roads; *Provided, however,* that said bonds shall not be issued for a less sum than five hundred dollars, and may sell or negotiate a loan upon said bonds at such a rate of interest as such companies may determine.

Land taken not
to exceed 100 feet
unless with con-
sent of owner.

SEC. 4. Nothing in this act contained shall be so construed as to grant any railroad companies the right to any land, or the right to acquire any land, beyond what may be necessary for a track to said roads, not exceeding one hundred feet in width, against the right or without the consent of any other person or corporation owning such land.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

CENSUS AND ELECTION FOR DELEGATES TO
CONVENTION.

AN ACT to provide for the taking a Census, and election for Delegates to a Convention.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Duties of sher-
iffs.

SECTION 1. That for the purpose of making an enumeration of the inhabitants entitled to vote under the provisions of this act, an apportionment and an election of members of a convention, it shall be the duty of the sheriffs of the several counties in Kansas territory, and they are hereby required, between the first day of March and the first day of April, eighteen hundred and fifty-seven, to make an enumeration of all the free male inhabitants, citizens of the United States, over twenty-one years of age, and all other white persons actually residing within their respective counties, and for this purpose shall have power to appoint one or more deputies to assist in such duties, not to exceed one in each municipal township, each of whom before entering upon his office shall take and subscribe an oath or affirmation to support the constitution of the United States, and faithfully and impartially discharge the duties imposed on

him by this act, according to the best of his skill and judgment, which oath or affirmation shall be administered to them severally, and be duly certified by a judge or clerk of the district court of the United States, or judge or clerk of the probate court for the several counties, or by a justice of the peace, and filed and recorded in the office of the secretary of the territory.

SEC. 2. In case of any vacancy in the office of sheriff, the duties imposed upon such sheriff by this act shall devolve upon and be performed by the judge of the probate court of the county in which such vacancy may exist, who may appoint deputies not to exceed one in each municipal township; and in case the office of both sheriff and probate judge in any county shall be or become vacant, the governor shall appoint some competent resident of such county to perform such duty, who shall have the same right to appoint deputies, take and subscribe the same oath, and perform all the requirements of this act, as applied to sheriffs.

In case of vacancy in sheriff's office, how to proceed.

SEC. 3. It shall be the duty of the sheriff, probate judge, or person appointed by the governor as herein provided, in each county or election district, on or before the tenth day of April next, to file in the office of the probate judge for such county or election district, a full and complete list of all the qualified voters resident in his said county or election district on the first day of April eighteen hundred and fifty-seven, which list shall exhibit in a fair and legible hand the names of all such legal voters.

The sheriff shall file in the office of the probate judge a list of all qualified voters, &c.

SEC. 4. It shall be and is hereby made the duty of each probate judge upon such returns being made, without delay, to cause to be posted at three of the most public places in each election precinct in his county or election district, one copy of such list of qualified voters, to the end that every inhabitant may inspect the same, and apply to said probate judge to correct any error he may find therein, in the manner hereafter prescribed.

Probate judge shall cause copies of said list to be posted in public places.

SEC. 5. Said probate judge shall remain in session each day, Sundays excepted, from the time of receiving said returns until the first day of May next, at such places as shall be most convenient to the inhabitants of the county or election district, and proceed to the inspection of said returns, and hear, correct, and finally determine, according to the facts, without unreasonable delay, all questions concerning the omission of any person from said returns, or the improper insertion of any name on said returns, and any other questions affecting the integrity

Probate judge shall remain in session every day but Sunday, &c., to correct and revise said list.

or fidelity of said returns, and for this purpose shall have power to administer oaths and examine witnesses, and compel their attendance in such manner as said judge shall deem necessary.

Copies of said list to be given, to whom.

SEC. 6. That as soon as the said lists of legal voters shall thus have been revised and corrected, it shall be the duty of the several probate judges to make out full and fair copies thereof, and without delay furnish to the governor of the territory one copy, and to the secretary of the territory one copy; and it shall be the duty of the governor to cause copies thereof, distinguishing the returns from each county or election district, to be printed and distributed generally among the inhabitants of the territory, and one copy shall be deposited with the clerk of each court of record, or probate judge, within the limits of said territory, and one copy delivered to each judge of the election, and at least three copies shall be posted up at each place of voting.

When the census is completed, apportionment of members shall be made for a convention; how.

SEC. 7. It shall be the duty of the governor and secretary of the territory, so soon as the census shall be completed and returns made, to proceed to make an apportionment of the members for a convention among the different counties and election districts in said territory, in the following manner: the whole number of legal voters shall be divided by sixty, and the product of such division, rejecting any fraction of a unit, shall be the ratio or rule of apportionment of members among the several counties or election districts; and if any county or election district shall not have a number of legal voters, then ascertained, equal to the ratio, it shall be attached to some adjoining county or district, and thus form a representative district; the number of said voters in each county or district shall then be divided by the ratio, and the product shall be the number of representatives apportioned to such county or district: *Provided*, that the loss in the number of members, caused by the fraction remaining in the several counties in the division of the legal voters thereof, shall be compensated by assigning so many counties or districts as have the largest fractions an additional member for its fraction as may be necessary to make the whole number of representatives sixty.

Election held for members of a convention to form a constitution for the state of Kansas.

SEC. 8. An election shall be held for members of a convention to form a constitution for the state of Kansas, according to the apportionment to be made as aforesaid, on the third Monday in June next, to be held at the various election precincts established in the territory in accordance with the provisions of law on that subject, and at such election no person shall be per-

mitted to vote unless his name shall appear upon said corrected list.

SEC. 9. The board of county commissioners shall appoint the places of voting for their respective counties or election districts ; they shall appoint three suitable persons to be judges of the election at each place of voting ; they shall cause a notice of the places of holding elections in their respective counties or districts to be published and distributed in every election district or precinct ten days before the day of election. If any judge of election so appointed shall fail or refuse to perform the duties of his said office, the legal voters assembled at the place, and on the day appointed for said election, shall have the power to fill such vacancy by election amongst themselves.

Duties of county commissioners at this election.

SEC. 10. The judges of election shall each, before entering on the discharge of his duties, make oath or affirmation that he will faithfully and impartially discharge the duties of judge of the election according to law, which oath shall be administered by any officer authorized to administer oaths ; the clerks of election shall be appointed by the judges, and they shall take the like oath or affirmation, to be administered by one of the judges or by any of the officers aforesaid. Duplicate returns of election shall be made and certified by the judges and clerks, one of which shall be deposited with the board of county commissioners for the county or district in which the election is held, and the other shall be transmitted to the secretary of the territory ; and the one having the highest number of votes in his county or election district shall be the representative for such county or district ; and in case of a tie or a contest in which it can not be satisfactorily determined who was duly elected, the convention, when assembled, shall order a new election as herein provided.

Oath of judges of election ; their duties.

SEC. 11. Every *bona fide* inhabitant of the territory of Kansas, on the third Monday of June, one thousand eight hundred and fifty-seven, being a citizen of the United States, over the age of twenty-one years, and who shall have resided three months next before said election in the county in which he offers to vote, and no other person whatever, shall be entitled to vote at said election ; and any person qualified as a voter may be a delegate to said convention, and no other.

Who are entitled to vote.

SEC. 12. All persons hereby authorized to take the census, or to assist in the taking thereof, shall have power to administer oaths and examine persons on oath in all cases where it may

Persons authorized to take census, may administer oaths, &c.

be necessary to the full and faithful performance of their duties under this act.

Punishment of those who shall unlawfully attempt to influence a voter.

SEC. 13. If any person by menaces, threats, or force, or by any other unlawful means, shall directly or indirectly attempt to influence any qualified voter in giving his vote, or deter him from going to the polls, or disturb or hinder him in the free exercise of his right of suffrage at said election, the person so offending shall be adjudged guilty of a misdemeanor, and punished by fine not less than five hundred dollars, or by imprisonment not less than three months nor more than six, or by both.

Punishment of illegal voting.

SEC. 14. That every person, not being a qualified voter according to the provisions of this act, who shall vote at any election within said territory knowing that he is not entitled to vote, and every person who at the same election shall vote more than once, whether at the same or a different place, shall be adjudged guilty of a misdemeanor, and punished by a fine of not less than one hundred dollars nor exceeding two hundred, or by imprisonment not less than three months nor exceeding six, or both.

Punishment of those who fraudulently hinder or prevent a fair expression of the popular vote.

SEC. 15. Any person whatsoever who may be charged with holding the election herein authorized, who shall wilfully and knowingly commit any fraud or irregularity whatever, with the intent to hinder, or prevent, or defeat a fair expression of the popular vote in the said election, shall be guilty of a misdemeanor, and punished by fine not less than five hundred dollars nor more than one thousand dollars, and imprisonment not less than six months nor more than twelve months, or both.

Delegates when elected shall assemble in convention at the capital of territory.

SEC. 16. The delegates thus elected shall assemble in convention at the capital of said territory, on the first Monday of September next, and shall proceed to form a constitution and state government, which shall be republican in its form, for admission into the Union, on an equal footing with the original states in all respects whatever, by the name of the State of Kansas.

Convention when assembled shall elect officers.

SEC. 17. Said convention, when assembled, shall elect a presiding officer, and all other officers necessary for the transaction of their business; and the members and officers of said convention shall be entitled to receive the same compensation as the members and officers of the legislative assembly of Kansas territory, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 18. All sheriffs and other officers, for the discharge of

the duties required of them by this act, shall be entitled to receive four dollars for each day they are necessarily employed.

Salary of sheriffs and other officers.

SEC. 19. Doniphan county shall constitute the first election district; Browne and Nemaha the second; Atchison the third; Leavenworth the fourth; Jefferson the fifth; Calhoun the sixth; Marshall the seventh; Riley the eighth, Johnson the ninth; Douglas the tenth; Shawnee, Richardson and Davis the eleventh; Lykins the twelfth; Franklin the thirteenth; Weller, Breckenridge, Wise and Madison the fourteenth; Butler and Coffey the fifteenth; Linn the sixteenth; Anderson the seventeenth; Bourbon, McGee, Dorn and Allen the eighteenth; Woodson, Wilson, Godfrey, Greenwood and Hunter the nineteenth.

Election districts where located.

SEC. 20. All votes given at the election herein provided for shall be *viva voce*.

All votes shall be given viva voce.

SEC. 21. Returns of said enumeration shall be according to the following tabular form:

Tabular form.

No.	Names of voters.	Heads of families and others.	Males.	Females.	Total.

This bill having been returned by the governor with his objections thereto, and, after reconsideration, having passed both houses by the constitutional majority, it has become a law this the 19th day of February, A. D. 1857.

COUNCIL AND REPRESENTATIVE DISTRICTS.

AN ACT to define and establish the Council and Representative Districts for the Second Legislative Assembly, and for other purposes.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. The county of Leavenworth shall be and constitute the first council district; the county of Atchison shall be and constitute the second council district; the county of Doniphan shall be and constitute the third council district; the counties of Browne, Nemaha, Marshall, Potawattamie and Riley shall be and constitute the fourth council district; the counties of Jefferson and Calhoun shall be and constitute the fifth

The location of the several council districts.

council district; the counties of Douglas and Johnson shall be and constitute the sixth council district; the counties of Shawnee, Richardson, Davis, Wise and Breckenridge shall be and constitute the seventh council district; the counties of Bourbon, Godfrey, Wilson, Dorn and McGee shall be and constitute the eighth council district; the counties of Butler, Hunter, Greenwood, Madison, Weller, Coffey, Woodson and Allen shall be and constitute the ninth council district; and the counties of Anderson, Lykins, Linn and Franklin shall be and constitute the tenth council district;—all that part of the territory of Kansas that lies west of the counties of Marshall, Riley and Davis shall be attached to the fourth council district, and all that part which lies west of the counties of Wise, Butler and Hunter shall be attached to the tenth council district.

Of the several
representative
districts.

SEC. 2. In the first session of the second legislative assembly of the territory of Kansas the county of Leavenworth shall be and constitute the first representative district; the county of Atchison shall be and constitute the second representative district; the county of Doniphan shall be and constitute the third representative district; the county of Browne shall be and constitute the fourth representative district; the county of Nemaha shall be and constitute the fifth representative district; the county of Marshall shall be and constitute the sixth representative district; the county of Jefferson shall be and constitute the seventh representative district; the county of Calhoun shall be and constitute the eighth representative district; the counties of Potawattamie and Riley shall be and constitute the ninth representative district; the counties of Douglas and Johnson shall be and constitute the tenth representative district; the county of Shawnee shall be and constitute the eleventh representative district; the counties of Richardson, Davis, Wise and Breckenridge shall be and constitute the twelfth representative district; the counties of Weller, Madison, Butler, Hunter and Greenwood shall be and constitute the thirteenth representative district; the counties of Bourbon, Godfrey, Wilson, Dorn and McGee shall be and constitute the fourteenth representative district; the counties of Woodson, Coffey and Allen shall be and constitute the fifteenth representative district; the counties of Anderson and Franklin shall be and constitute the sixteenth representative district; the county of Linn shall be and constitute the seventeenth representative district; and the county of Lykins shall be and constitute the eighteenth representative district;—and all that part of the territory of Kan-

sas lying west of the counties of Wise, Butler and Hunter shall be attached to the tenth representative district.

SEC. 3. The whole number of members for the house of representatives in the next legislative assembly of Kansas territory shall be thirty-nine. The following shall be the order in which the apportionment among the several representative districts shall be made: the governor and secretary, or in case of a failure upon their part from any cause to perform the duty hereby enjoined upon them before the first day of June next, then the president of the council and the speaker of the house of representatives of the present session of the legislative assembly, or either one of them, shall take complete census returns made in pursuance of an act, entitled "An act to provide for taking the census and election for delegates to convention," and divide the whole number of legal votes by thirty-nine, and the product of such division, rejecting any fraction of a unit, shall be the ratio or rule of apportionment of members among the several representative districts; and if any representative district shall not have a number of legal votes thus ascertained equal to the ratio, it shall be attached to some adjoining representative district, and thus form a representative district; the number of said votes in the district so joined shall then be divided by the ratio, and the product shall be the number of representatives apportioned to such district: *Provided*, that the loss in the number of representatives caused by the fractions remaining in the several districts, in the division of the legal votes thereof, shall be compensated by assigning to so many districts as have the largest fractions an additional member for its fraction as may be necessary to make the whole number of representatives thirty-nine.

Of the apportionment of members among the several representative districts.

SEC. 4. The apportionment among the several council districts for members to the next legislative assembly of this territory shall be made in a similar manner to that for members to the house of representatives; dividing, however, the whole number of legal votes, as shown by the census returns above referred to, by the number thirteen, and the product of such division, rejecting any fraction of a unit, shall be the ratio or rule of apportionment of members among the several council districts; and if any council district shall not have a number of legal votes thus ascertained equal to the ratio, it shall be attached to some adjoining council district, and thus form a council district. The number of votes in the district thus formed shall then be divided by the ratio, and the product shall be the num-

Of the apportionment of members among the several council districts.

ber of members apportioned to such council district; *Provided*, that the loss in the number of members caused by the fractions remaining in the several council districts in the division of the legal voters thereof, shall be compensated by assigning to so many council districts as have the largest fractions an additional member for its fraction as may be necessary to make the whole number of members of the council thirteen.

Who can vote.

SEC. 5. Every *bona fide* inhabitant of the territory of Kansas, being a citizen of the United States, over the age of twenty-one years, and who shall have resided six months in said territory before the next general election for members of the council and house of representatives, and no other person whatever, shall be entitled to vote at any general election hereafter to be held in this territory; *Provided, however*, that nothing in this act contained shall be considered to apply to or affect in any manner the provisions of an act, entitled "An act to provide for taking the census and election for delegates to a convention."

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.



DUTIES OF SHERIFFS AND COLLECTORS OF THE REVENUE.

AN ACT to define the duties of Sheriffs and Collectors of the Revenue.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Sheriffs and collectors of the revenue required to pay all moneys to assessors.

SECTION 1. That sheriffs and collectors of the revenue be and they are hereby required to pay over to the assessors of their respective counties all moneys collected by them under the provisions of section ten, of article two, of the act entitled "An act to provide for the collection of the revenue."

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

ENTRIES AND DETAINERS.

AN ACT to amend an act entitled, "An act concerning forcible entries and detainers."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. In any trial of any forcible entry and detainer, or unlawful detainer, it shall be lawful for the parties to consent to the trial of any cause by the justice, or other court before which such cause is pending, without the intervention of a jury, any thing in the act to which this act is amendatory to the contrary notwithstanding; *Provided*, that nothing in this act contained shall be so construed as to preclude either party from the right to a trial by jury in any such cause.

Forcible entry and detainer.

This act to take effect and be in force from and after its passage.

Approved February 10th, 1857.

TO PREVENT FIRING WOODS, &c.

AN ACT to amend an act, entitled "An act to prevent the firing of woods, marshes and prairies."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That the fifth-section of said act be and the same is hereby repealed.

Fifth section repealed.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

HEDGING ON ROADS AND HIGHWAYS.

AN ACT to regulate hedging on roads and highways.

Be it enacted, by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. Any person owning lands upon the public roads and highways, and desiring to hedge the same, is authorized to

Hedging roads and highways.

include seven feet of the said road or highway in width in the enclosure of said lands for the period of four years from the time of planting the hedge upon said land.

Distance of
planting hedges.

SEC. 2. Every such hedge shall be planted at least two feet from the true line of said road upon the lands of the person hedging the same.

Time of remov-
ing fencing.

SEC. 3. After the expiration of the four years mentioned in section one of this act, if said fencing is not removed in a reasonable time, it shall be regarded as an obstruction, and punished as provided for by law.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

INCORPORATIONS.

AN ACT in relation to Incorporations.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

All acts of in-
corporation of the
last session that
have expired by
limitation of term
are revived.

SECTION 1. All acts of incorporation passed at the last session of the legislative assembly of the territory of Kansas that have expired by limitation of term, or under or by the provisions of the sixth section of "An act concerning corporations," or which may expire within the next twelve months, shall be and the same are hereby revived, and shall continue in force with all the powers, privileges and restrictions, as in any such incorporation may be specified, for the term of three years from and after the expiration of any such acts of incorporation.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

INJUNCTIONS.

AN ACT to amend an act relating to Injunctions.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Defendants in
injunction cases
may apply to dis-
trict judges to

SECTION 1. That the defendant in all injunction cases may, at any time, at chambers, on filing his answer on oath and on giving

ten days' notice thereof to the complainant, apply to any district judge to have said injunction dissolved, which application shall be heard on certified copies of the bill and answer; the answer in all such cases, so far as the same is responsive to the bill, being taken to be true; and if said district judge should be of opinion that all the material allegations of the bill are denied by the answer, he shall make an interlocutory order dissolving said injunction, leaving the question of damages to be decided at the term next thereafter, according to the regulations now provided by law.

have same dissolved.

SEC. 2. All acts and parts of acts inconsistent with and contrary to the provisions of this act are hereby repealed.

Other acts repealed.

This act to take effect and be in force from and after its passage.

Approved February 20, 1857.

JUDICIAL DISTRICTS.

AN ACT to define the several Judicial Districts of the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. The counties of Leavenworth, Jefferson, Riley, Marshall, Nemaha, Browne, Doniphan, Atchison and Arapahoe, and all that portion of territory lying between the counties of Marshall, Riley, Davis, Wise, Butler and Hunter, and the said county of Arapahoe, shall compose the first judicial district.

Counties which shall compose the first judicial district, &c.

SEC. 2. The counties of Johnson, Douglas, Shawnee, Calhoun, Richardson, Davis, Wise, Breckenridge, Weller, Franklin, and Lykins shall compose the second judicial district.

Counties which shall compose the second judicial district.

SEC. 3. The counties of Linn, Bourbon, McGee, Dorn, Allen, Anderson, Coffey, Woodson, Wilson, Godfrey, Greenwood, Madison, Butler and Hunter shall compose the third judicial district.

Counties which shall compose the third judicial district.

SEC. 4. *And be it further enacted*, that all process and proceedings heretofore issued or commenced, and all bonds and recognizances entered into, and all cases continued, shall be deemed and taken to be made returnable and continued to the several times and places hereafter to be selected by the judges of the supreme court, or a majority of them, under the act of

Process and proceedings, &c., issued or commenced, bonds, &c., made returnable and continued, &c.

Duty of the
clerks of the sev-
eral district
courts, &c.

congress ; and it is hereby made the duty of the clerks of the several district courts, should the change made in the several districts, by this act, render the same necessary, to deliver or cause to be delivered all papers, proceedings and records to the clerks or officers of said courts having the legal custody of the same.

This act to be in force from and after its passage.

Approved February 11th, 1857.

GOVERNOR TO SIGN CERTAIN LAWS.

AN ACT to authorize the Governor to sign certain Laws.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

The governor
authorized to
sign bills three
days after ad-
journment of ses-
sion.

SECTION 1. The governor of this territory is hereby authorized to sign any bill passed at this session of the legislative assembly, at any time within three days after the close of the present session ; and any such bill, so signed and approved within three days, shall have all the force and effect of a law as fully as if the same had been signed and approved during the session.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

LIENS TO MECHANICS AND OTHERS.

AN ACT to amend an act securing Liens to Mechanics and others.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Act securing
liens to mechan-
ics repealed, and
substitute there-
for.

SECTION 1. That so much of chapter one hundred and nine of the Statutes of Kansas Territory, entitled " An act for securing liens to mechanics and others," as requires persons to file demands with the clerk of the district court, is hereby repealed, and, instead thereof, it shall be necessary for said demands to

be filed with the clerk of the probate court, according to the requirements of said act.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

TO REGULATE MANDAMUS.

AN ACT supplemental to an act, entitled "An act to regulate proceedings upon writs of Mandamus."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That the writ of mandamus may issue against any officer, board of county commissioners, or other subordinate tribunal, or against any corporation in this territory; and the powers and duties of such officer, tribunal or corporation may be tried and tested under and by virtue of such writ of mandamus; and upon the return of such writ in the first instance, upon a full hearing before the court or judge issuing the same, such court or judge may order and award by peremptory mandamus, that such officer, tribunal or incorporation shall act, adjudge, or award, as may by said court or judge be adjudged.

Against whom writs of mandamus may be issued.

Action of the judge after the return of the writ.

Peremptory mandamus when to be issued.

SEC. 2. The chief justice, or either of the associate justices, may issue a writ of mandamus in term time or in vacation.

By whom a writ of mandamus may be issued, &c.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

TO BORROW MONEY FOR TERRITORIAL PURPOSES.

AN ACT to borrow money for Territorial purposes.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That the governor of the territory of Kansas is hereby authorized to negotiate a loan of twenty-five thousand

The governor of territory is hereby authorized to negotiate a loan.

dollars in behalf of the territory, and pledge the faith and credit of said territory for the payment thereof and the interest that may accrue thereon, and to execute and deliver a bond or bonds as evidence of debt in behalf of said territory; *Provided*, said bond or bonds shall not have more than five years to run, and shall not draw more than eleven per centum per annum interest; the interest on said bond shall be paid semi-annually, at such places as may be designated in said bond or bonds; *And provided further*, said bond or bonds shall not be negotiated for a greater rate than five per cent. discount.

These funds to be used in completing the capitol in Lecompton.

SEC. 2. The funds obtained on the negotiation of the bond or bonds shall be paid into the territorial treasury, subject to the order of the governor, for the purpose of defraying expenses in completing the capitol building in Lecompton.

Auditor shall levy a tax, &c.

SEC. 3. That for the purpose of insuring the punctual payment semi-annually of the interest accruing on said bond or bonds, it shall be the duty of the auditor of said territory, or other officer performing his duty, to cause to be levied on the subjects of taxation of this territory an amount sufficient to pay said interest, and the funds arising from such levy shall be kept separate and distinct from the other funds of this territory, and applied exclusively to the payment of the interest aforesaid, or the redemption of said bond or bonds.

If congress should make an appropriation for the completion of said capitol.

SEC. 4. That should congress, at its present session, make an appropriation for the completion of said capitol building, then and in that case the said governor shall not negotiate or make said loan; but in case congress fails to make such appropriation, said governor shall proceed to negotiate or make said loan as hereinbefore directed; and in case congress should at any subsequent session make an appropriation for the purposes aforesaid, said appropriations shall be applied to the redemption of said bond or bonds, or to indemnify said territory for any money that said territory may apply towards the erection and completion of said capitol building, the congress of the United States assenting thereto.

Money to be applied exclusively to this purpose.

SEC. 5. That the money thus borrowed by the governor shall be applied by him exclusively to the completion of the capitol building now in progress of erection in the town of Lecompton, and the governor of said territory shall make an annual report of the expenditures of said money to the legislative assembly of this territory.

Governor shall make annual report.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

PAY OF OFFICERS.

AN ACT to amend an act to provide for the pay of Officers and others.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That the act to which this act is amendatory shall be and the same is so amended, as that, in addition to the fees allowed in said act to the several officers in this territory, there shall be allowed the following : First, there shall be allowed to the several sheriffs of this territory, in addition to the fees now allowed for the service of any writ, for travelling to and from the place of his residence to the place of serving such writ, per mile, five cents ; second, there shall be allowed to the several constables in this territory, in the place of the fee now allowed by law, for serving every summons, fifty cents, and in addition to the fees allowed for the service of every such summons, for travelling to and from the place of residence of such constable to the place of service of any writ, after having travelled five miles, per mile, five cents ; for calling each party in a cause, ten cents ; for calling each action, five cents.

Additional fees to be allowed officers.

SEC. 2. The mileage allowed to sheriffs and constables by this act shall be counted for the number of miles actually and necessarily travelled in the performance of the service ; and no such officer shall be allowed mileage for more than the actual distance travelled, where he may have served two or more writs, or summoned two or more persons upon the same writ ; but in such cases, if such mileage accrues, in different causes, the costs for mileage shall be by the clerk of the court, or justice of the peace, proportionably divided between such several causes in which such costs for mileage may have accrued.

Mileage to be allowed.

SEC. 3. Each officer, or their deputies, to whom costs are allowed by this act, or the act to which this act is amendatory, shall provide and keep a book, in which they shall enter, under the title of each cause, each item of service by them perform-

Each officer shall keep a book, &c.

ed, and shall report them to the clerk of the court or justice of the peace, the bill of costs due them in each cause; and if such officer fail to report, such clerk or justice shall not be required to tax up the costs of such officer in the cause.

This act to take effect from and after its passage.

Approved February 14th, 1857.

PAY OF CLERKS.

AN ACT to provide for the pay of Clerks.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Salary of the
enrolling and en-
grossing clerks,
&c.

SECTION 1. The enrolling and engrossing clerks, and such other clerks as may be necessarily employed by the two houses of the legislative assembly, or either of such houses, shall receive the sum of four dollars per day for their services; and the committee on accounts shall certify the number of days to which each of such clerks may be entitled, and, upon the production of such certificate, a warrant shall be drawn on the treasurer of the territory for the amount due; and in the event of payment being made by the United States to any such clerks, it shall be applied to the payment of such warrants.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

PRESCRIBING OATHS.

AN ACT prescribing Oaths for officers and others in the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Part of section
11 repealed.

SECTION 1. That so much of the eleventh section of an act entitled "An act to regulate elections," as provided that any

person challenged as a voter may be required to take an oath or affirmation that he will sustain the provisions of the several acts of congress in that section specified, be and the same is hereby repealed.

SEC. 2. All officers hereafter elected or appointed to any office of honor, trust, or profit, under the laws of this territory, shall, before entering upon the duties of such office, take and subscribe an oath to support the constitution of the United States and the provisions of an act to organize the territories of Nebraska and Kansas, and faithfully to demean himself in office, and no other.

Oath of officers elected to any office of honor, &c., in this territory.

SEC. 3. All attorneys at law obtaining a license in this territory, shall take and subscribe an oath to support the constitution of the United States and the provisions of an act to organize the territories of Nebraska and Kansas, and faithfully and honestly to demean himself in his practice.

Oath of attorneys.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

All acts inconsistent with this hereby repealed.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

TO PUNISH OFFENCES AGAINST SLAVE PROPERTY.

AN ACT repealing the twelfth section of "An act to punish offences against Slave Property."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That the twelfth section of an act entitled "An act to punish offences against slave property," be hereby repealed.

Twelfth section of act to punish offences against slave property repealed.

This act shall take effect and be in force from and after its passage.

Approved February 5th, 1857.

LOCATION OF PENITENTIARY.

AN ACT to locate the Penitentiary.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Penitentiary at
Lecompton.

SECTION 1. That the penitentiary of the territory of Kansas be and the same is hereby located at Lecompton, in the county of Douglas, and so soon as the necessary appropriations shall be made for the erection thereof, the necessary steps shall be taken to procure a site and progress with the erection.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

 TO REGULATE PROSECUTIONS.

AN ACT to regulate conflict of Prosecutions in incorporated towns and cities.

Be it enacted by the Governor and Legislative Assembly of Kansas Territory, as follows :

A conviction for any violation of ordinance of town or city, shall be a bar to any further prosecution for same offence.

SECTION 1. That hereafter, in any incorporated town or city, where a conviction may be had for any violation of any ordinance of any such town or city, such conviction shall be a bar to any prosecution before any justice of the peace, or other court, within said town or city, for the same offence, under any law of this territory.

A conviction for any offence under any statute of this territory, shall be a bar to any further prosecution for same offence.

SEC. 2. Where any conviction shall be had in any incorporated town or city, before any justice of the peace, or other court, for any offence under any statute of this territory, such conviction shall be a bar to any prosecution or procedure against any such person so convicted under or by virtue of any ordinance of such town or city, for the same offence.

When any justice has taken jurisdiction of any offence, &c.

SEC. 3. Whenever, in any such incorporated town or city, any justice of the peace or other court shall have taken jurisdiction of any offence under any statute of this territory, it shall bar the jurisdiction of any such town or city under any ordinance for the same offence.

SEC. 4. And wherever jurisdiction shall have been taken of any offence under any ordinance of any incorporated town or city, such jurisdiction shall be a bar to any jurisdiction or prosecution under and by virtue of any statute of this territory for the same offence.

Any jurisdiction taken by an incorporated town or city, shall bar all further prosecution by the territory.

SEC. 5. Whenever, by the provisions of any charter of any town or city, a jurisdiction shall be given to any mayor or other officer of any such town or city of any offence or offences under the laws of this territory or any statute, it shall be understood to be a concurrent jurisdiction with justices of the peace and other courts, and shall not be so construed as to give any such mayor or other town or city officer any exclusive jurisdiction in any such cases.

Of jurisdiction of mayors, &c.

SEC. 6. In all cases of prosecution before any mayor or other officer of any incorporated town or city for any offence, whether against or under any statute of this territory, or any ordinance of any such town or city, an appeal shall lie to the district court, or other court having appellate jurisdiction from justices of the peace, in the same manner and to the same extent as provided by law for appeals from justices of the peace.

Of appeals.

This act to take effect and be in force from and after its passage.

Approved February 23d, 1857.

SUPERINTENDENT OF PUBLIC PRINTING.

AN ACT establishing the office of Superintendent of Public Printing.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That there be and is hereby established in this territory the office of superintendent of public printing, and there shall be elected by joint ballot of the legislative assembly at the present session, a superintendent of public printing, who shall hold his office for the term of one year and until his successor shall be elected and qualified.

Office of superintendent of public printing created.

SEC. 2. It shall be the duty of the superintendent of public printing to see that the work furnished by the territorial printer is executed in a workmanlike manner, and to measure and

Duties to be performed by superintendent.

estimate the same ; he shall superintend the publication of the journals of both houses and the laws, and shall arrange the order of publication ; he shall copy the laws from the enrolled bills on file in the office of the secretary of the territory and furnish them to the printer ; he shall make out marginal notes and an index of the laws ; he shall revise the proof sheets and cause all clerical and typographical errors to be corrected so far as he may discover the same, and he shall certify to the amount of the work done by the printer and to the correctness of the publication ; but in no case shall the duties of superintendent of public printing apply to any printing except that of the laws and journals.

Compensation.

SEC. 3. As a compensation for his services the superintendent of public printing shall receive the sum of four dollars per day for the time necessarily employed in said duty.

This act to take effect and be in force from and after its passage.

Approved January 22d, 1857.

TO PUNISH REBELLION.

AN ACT to punish Rebellion.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Persons combining to usurp the government of this territory, shall suffer death, &c.

SECTION 1. If two or more persons shall combine by force to usurp the government of this territory, or to overrun the same, or to interfere forcibly with the administration of the government or any department thereof, evidenced by forcible attempt within this territory to accomplish such purpose, the person so offending shall be deemed guilty of rebellion, and on conviction shall suffer death, or confinement and hard labor.

Persons combining to levy war against the people shall suffer death, &c.

SEC. 2. If twelve or more persons shall combine to levy war against any part of the people of this territory, they shall be deemed guilty of rebellion, and on conviction shall suffer death, or confinement and hard labor.

Persons combining to remove forcibly any portion of the people, shall suffer death, &c.

SEC. 3. If two or more persons shall combine to remove forcibly out of this territory or from their habitations any portion of the people of this territory, evidenced by the taking arms

and assembling to accomplish such purpose, they shall be deemed guilty of rebellion, and punished as in the last section specified.

SEC. 4. Confinement and hard labor, as provided for in this act, shall not exceed twenty years. Limit of confinement.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

TO REGULATE MARKS AND BRANDS.

AN ACT regulating Marks and Brands.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That it shall be the duty of the recorder of each county of this territory, on the application of any person residing in such county, to record a description of the marks and brands with which said person may be desirous of marking his horses, cattle, sheep or hogs ; but the same description shall not be recorded for more than one resident of the same county ; *Provided, however,* that persons residing in the same county more than fifteen miles apart may use the same mark or brand. Duty of the recorder of each county to record marks or brands.

SEC. 2. No two persons residing within fifteen miles of each other shall use the same mark or brand in this territory, but in such cases the person having the oldest recorded mark shall have the preference ; but nothing herein contained shall prevent the parties from agreeing which of them shall change his mark or brand ; and every person offending against the provisions of this act, shall, on conviction before a justice of the peace of the proper county, be fined for each offence in any sum not exceeding ten dollars. No two persons shall have the same mark.

SEC. 3. For every record made of any mark or brand contemplated in this act, the recorder shall receive the sum of fifty cents, and may demand payment before it shall be his duty to enter the same on record. Of payment to the recorder.

This act to take effect and be in force from and after its passage.

Approved January 22d, 1857.

LOCATION OF TERRITORIAL ROADS.

AN ACT supplemental to an act to provide for the location of Territorial Roads in the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Repeals that part of the former act that provides that all roads shall be viewed, &c., in one year.

SECTION 1. That so much of the "Act to provide for the location of territorial roads in the territory of Kansas" as provides that all territorial roads shall be viewed, surveyed and established, and returns made thereof, within one year from the passage of the several acts by which said roads may be authorized to be laid out respectively, is hereby repealed ; and that said roads may be viewed, surveyed and established, and returns made thereof at any time within two years from the passage of the several acts by which said roads may be authorized ; that all reports of surveys of roads and public highways in this territory shall be made as at present provided by law, within twelve months from the date of the law providing for or establishing such roads, and that twelve months from this date shall be allowed for completing the surveys and making returns of roads established by the last general assembly.

That this act shall be in force and take effect from and after its passage.

Approved February 14th, 1857.

AN ACT amendatory of an act, entitled "An act to provide for the location of Territorial Roads in the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Power of board of county commissioners to provide for change in territorial roads in certain cases.

SECTION 1. The board of commissioners of the several counties in Kansas territory shall have power to provide for change in any territorial road, in the manner provided for by law in regard to roads and highways ; *Provided*, that no such road shall be vacated by order of any board of commissioners without the assent of the commissioners for each of the counties

through which such road may pass, any thing in the statutes to the contrary notwithstanding.

This act to take effect from and after its passage.

Approved February 17th, 1857.

RELIEF OF COLLECTORS OF PUBLIC REVENUE.

AN ACT for the relief of the Collectors of the public revenue.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That the time for the payment by the several collectors of the revenue for the year one thousand eight hundred and fifty-six, into the treasury of the territory of Kansas, is hereby extended to the first day of June next, it being the true meaning and intention of this legislature not to relieve the several collectors from the penalties and forfeitures imposed by the act of one thousand eight hundred and fifty-five, except on full payment, on or before the first day of June next, of all the revenue properly chargeable to said collectors and payable into the treasury of the territory.

Payment by collectors of the revenue extended.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

RESIGNATIONS.

AN ACT in relation to Resignations.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. Any officer in this territory may resign to the power that is authorized to fill a vacancy in any such office.

Officers may resign.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

CONCERNING STRAYS.

AN ACT to amend an act concerning Strays.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

The justice before whom strays are proven, shall transmit to the clerk a list of same.

SECTION 1. That whenever the owner of any stray shall prove the same, as provided for in section twenty-one of an act regulating strays, passed by the last legislative assembly of the territory of Kansas, the justice before whom said stray or strays are proven shall transmit to the clerk of the county court a list of all strays proven before him, at least once in every month.

The clerk shall enter the strays, and make a statement of same.

SEC. 2. The county clerk shall enter the same on the margin of the book opposite where said stray or strays are recorded, and shall at each regular meeting of the county court make a statement in writing, setting forth the number of strays that have been posted for a longer time than twelve months, and that have not been claimed and proven by the owners according to section twenty-one of said act.

The county court shall order sale of strays.

SEC. 3. The county court of each county shall immediately order the sale of such stray or strays by the sheriff of the county, and, after the payment of all costs and incidental expenses, he shall pay one-half into the county treasury, and the other half to the taker up.

Householders not complying with provisions, shall not be entitled to benefit, &c.

SEC. 4. Any householder who shall take up or post any stray or strays, and shall not have complied with the provisions required by an act concerning strays, shall not be entitled to the benefit of the law exempting certain property from levy and sale on execution, but that all his or her property, both real and personal, shall be held liable for all forfeitures, damages and costs, as provided for in sections 30, 31 and 32 of said act concerning strays.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

TO PUNISH HORSE STEALING.

AN ACT to punish Horse Stealing.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. Every person who shall be convicted of feloniously stealing, taking and carrying away any horse, mule, gelding, colt, filly, or ass, of the value of twenty-five dollars, with intent to deprive the owner of such animal, shall be deemed guilty of grand larceny, and shall be confined at hard labor for not less than ten years.

Any person convicted of horse stealing, &c., deemed guilty of grand larceny; punishment for the same.

This act to take effect and be in force from and after its passage.

Approved February 10th, 1857.

 TO PREVENT OFFICERS FROM SPECULATING IN TERRITORIAL OR COUNTY WARRANTS.

AN ACT to prevent civil officers from speculating in Territorial or County Warrants.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That hereafter no civil officer within this territory shall purchase or procure, directly or indirectly, by himself or others, any warrant on the treasury of the territory, or on the treasury of any county of this territory, at any discount upon the face of any such warrant.

To prevent civil officers from speculating in warrants.

SEC. 2. Any such civil officer who shall violate the provisions of the preceding section of this act shall be liable to indictment, and punished by fine not less than double the amount of the warrant so purchased or procured, and shall be liable to the person from whom such warrant was so purchased or procured for double the amount of the discount thereon, to be recovered by action of assumpsit before any justice of the peace, or other court having jurisdiction.

Indictment, fine, &c., for such offence.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

ESTABLISHMENT OF COMMON SCHOOLS.

AN ACT to amend an act, entitled "An act providing for the establishment of Common Schools."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Duties of the trustees.

SECTION 1. It shall be the duty of the trustees of each of the school districts in the several counties to make out and deliver to the clerk of the board of county commissioners, in their respective counties, on or before the first Monday in September in each year, a report in writing, dated said day, showing the whole number of white children in their district over the age of five and under the age of twenty-one years ; the number taught during the last year ; the length of time a school has been taught, and whether by male or female teachers ; the amount of money paid for teachers' wages, and what portion thereof from public moneys, and such information as may be necessary to enable him to make a satisfactory report to the board of county commissioners.

Duty of the clerk or county commissioners.

SEC. 2. It shall be the duty of the clerk of the board of county commissioners to make out a similar report for his entire county, embodying the reports of the several districts therein, and to deliver the same to the secretary of the territory on or before the first Monday in December in each year.

County commissioners shall appoint a school treasurer ; his duties.

SEC. 3. The board of county commissioners in each county shall appoint a school treasurer, who shall be allowed a reasonable compensation for his services, and whose duty it shall be to receive and keep the school fund of the county and of the several townships ; to lend out the same upon good and sufficient security and upon interest, to be approved by the board of county commissioners ; to report annually to the said board, at their September term, all moneys in his hands or lent out by him, and the various townships to which the same belong, and to pay all orders or warrants for the payment of the school fund which may be drawn upon him by said board. Before entering upon the duties of his office, the said school treasurer shall execute his bond, with security to be approved by the board, in the sum of at least two thousand dollars, conditioned that he will pay over, according law, all school moneys that may come into his hands, and that he will faithfully discharge the duties of his office, and deliver to his successor all moneys,

books and papers in his hands appertaining to his office, which bond shall be filed in the office of the county clerk. The said board may, whenever they deem necessary, require the amount of said bond to be increased; *Provided*, that the said school treasurer shall be allowed at least twenty days' notice of such requirement; and in case of his failure to comply with the same within the time specified, his office shall be deemed vacated.

SEC. 4. The board of county commissioners in each county shall, at their October term, in each year, apportion the income of the school fund of the several townships among the school districts in proportion to the number of children in each district, and shall issue their warrants, drawn in favor of the trustees of each of the said districts, directed to the school treasurer, for the amount due to the said district.

Of the apportionment of the school funds.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.



PLATS OF TOWNS AND VILLAGES.

AN ACT to amend an act, entitled "An act concerning the Plats of Towns and Villages."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. Three months from the date of the passage of this act shall be allowed to the proprietor or proprietors of any town or village, heretofore laid out in this territory, to deposit in the office of the recorder for the county, the map or plat thereof; and when so deposited, shall be held and deemed a full and sufficient compliance with the act of which this is amendatory.

Three months allowed proprietors to deposit maps or plats of towns, &c.

SEC. 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

All laws in conflict are repealed.

This act to be in force from and after its passage.

Approved February 10th, 1857.

TRESPASS ON SCHOOL LANDS.

AN ACT in relation to trespass on School Lands.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Damage for
trespass on school
lands.

SECTION 1. If any person shall cut down, injure, destroy, or carry away any tree, timber or wood, standing, being or growing upon, or shall dig up, quarry, or carry away any stone, coal, ore or mineral from the lands appropriated to school purposes in this territory, the person so offending shall forfeit and pay to the county wherein such offence is committed, to the use of the school fund, treble the value of the thing so injured, broken, destroyed or carried away, with costs.

Penalties to be
recovered, &c.

SEC. 2. All penalties contained in the preceding section may be recovered by action of trespass or debt founded on this statute, or by indictment, in any court having jurisdiction of the same.

Officers must
prosecute.

SEC. 3. It shall be the duty of every constable, justice of the peace, or sheriff, having knowledge of the commission of any of the offences enumerated in the first section, within the limits of their county, to prosecute the same.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

EASTERN BOUNDARY OF LEAVENWORTH COUNTY.

AN ACT more definitely to define the Eastern boundary of Leavenworth county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Boundary divi-
ding Missouri and
Kansas.

SECTION 1. The eastern boundary of the county of Leavenworth shall be the line dividing the state of Missouri and the territory of Kansas, any thing in any act to the contrary notwithstanding.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

BUTLER AND MADISON COUNTIES ATTACHED.

AN ACT amendatory to an act, entitled "An act attaching certain territory to the County of Madison."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. The county of Butler shall be attached, for all civil, criminal and military purposes, to the county of Madison, provided the inhabitants of the county so attached shall not be taxed for local purposes in the said county of Madison.

Butler attached to Madison.

SEC. 2. The town of Columbia shall be the temporary seat of justice of Madison county.

Temporary seat of justice.

SEC. 3. At the next general election for members of the legislative assembly, the qualified voters of the said county shall elect three commissioners, whose duty it shall be, after having first taken an oath faithfully and impartially to execute their office, to locate permanently the seat of justice of the said county as near to the geographical centre thereof as may be practicable.

Commissioners to locate permanent seat of justice.

SEC. 4. All laws, and sections and clauses of laws, repugnant to the provisions of this act, be and the same are hereby repealed.

Laws repealed.

This act to take effect from and after its passage.

Approved, February 20th, 1857.

BROWNE AND DONIPHAN COUNTIES DETACHED.

AN ACT to detach the County of Browne from the County of Doniphan, and to organize Browne County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That the county of Browne, which is attached to the county of Doniphan, is hereby detached from said county of Doniphan.

Browne detached from Doniphan.

SEC. 2. That the town of Claytonville shall be the temporary seat of justice of Browne county.

Temporary seat of Browne.

SEC. 3. That at the first general election there shall be elected by the qualified voters of said county three commissioners,

Commissioners shall locate permanent seat of justice.

who shall, having first taken an oath faithfully and impartially to discharge their duty, proceed to locate the permanent seat of justice in said county, and who shall receive such compensation for their services as may be allowed by the tribunal transacting county business.

Officers to be elected.

SEC. 4. That during the present session of the legislative assembly of the territory of Kansas, they shall elect a probate judge, sheriff and two commissioners for the county of Browne, who shall hold their office until the general election in October, A. D. eighteen hundred and fifty-seven, and until their successors are elected and qualified.

Powers of officers.

SEC. 5. The said probate judge, sheriff and commissioners shall have all the powers, perform the same duties, and be subject to the penalties, as the same officers are in the several counties heretofore organized.

Acts repealed.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved, February 14th, 1857.

ORGANIZATION OF COUNTIES.

AN ACT to organize the County of Breckenridge.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Counties detached, and temporary county seat.

SECTION 1. The counties of Breckenridge and Wise are hereby detached from the county of Madison, and the county of Breckenridge is hereby fully organized, with all the rights, powers and privileges of other organized counties of the territory; and the county seat of said county of Breckenridge is hereby located temporarily at Agnes city, in said county; and the present session of the legislative assembly shall elect a probate judge, two county commissioners, and a sheriff, for said county.

County attached.

SEC. 2. The county of Wise is hereby attached to the county of Breckenridge for all civil and military purposes.

This act to take effect and be in force from and after its passage.

Approved, February 17th, 1857.

AN ACT to organize the County of Dickinson.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. The county seat of the county of Dickinson is hereby located and established at the town of Buchanan, in said county.

County seat located.

SEC. 2. Harrison Butcher is hereby appointed judge of probate for said county, and Alexander Dean and Daniel Mitchell are appointed and constituted commissioners of the tribunal transacting county business. The sheriff of said county of Dickinson shall be elected by the tribunal transacting county business, and commissioned by the governor of this territory.

Appointment of judge of probate and commissioners.

Sheriff to be elected by county tribunal.

SEC. 3. The records of said county shall be kept, and all official business of said county shall be done, at the town of Buchanan, and all county officers shall hold their offices at the county seat, and continue in office until the general election for members to the council and house of representatives for the year one thousand eight hundred and fifty-seven.

Records to be kept, official business to be done, and county officers to hold their offices at county seat.

This act to take effect and be in force from and after its passage.

Approved, February 20th, 1857.

AN ACT to organize the County of Davis, in the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That so much of section thirty-four of chapter thirty of the Statutes of the Territory of Kansas, enacted A. D. 1855, as attaches the county of Davis to the county of Riley for certain purposes, is hereby repealed.

Sec. 34 of ch. 30, attaching county, repealed.

SEC. 2. That the legislative assembly of the territory of Kansas shall, at their present session, proceed to elect for said county a probate judge, two county commissioners, and one sheriff, all of whom shall be commissioned by the governor, and shall hold their offices until the next regular election, to be holden on the first Monday in October, eighteen hundred and fifty-seven, and until their successors are commissioned and qualified.

Legislature to elect officers.

This act to take effect and be in force from and after its passage.

Approved, February 20th, 1857.

AN ACT to organize the County of Franklin.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Election of county officers.

SECTION 1. There shall be elected by joint ballot of the legislative assembly, at the present session, for the county of Franklin, one probate judge, one sheriff, and two commissioners, who shall hold their respective offices until the general election for members of the legislative assembly in the year eighteen hundred and fifty-seven, and until their successors are elected and qualified.

Of the location of county seat.

SEC. 2. At the general election for members of the legislative assembly for the year eighteen hundred and fifty-seven, the qualified voters of Franklin county shall elect three commissioners to select and locate the permanent seat of justice for the county of Franklin, whose duty it shall be, in making said location, to fix the same as near the geographical centre of said county as they conveniently can, having due regard to the convenience and interests of the present and probable future population of said county.

Temporary seat.

SEC. 3. The temporary seat of justice of Franklin county is hereby located at St. Bernard, in township fifteen, range nineteen, section twenty-nine.

Commissioners must report to secretary of territory.

SEC. 4. It shall be the duty of the commissioners hereby appointed, or a majority of them, to locate the permanent seat of justice of said county of Franklin; to make out in writing a report of the place by them so selected to the secretary of the territory, whose duty it shall be to file the same in the executive office; and the place so selected by said commissioners, or a majority of them, from and after the erection of suitable buildings for the transaction of county business, shall be the permanent seat of justice of said county.

Commissioners to take oath.

SEC. 5. The commissioners, before entering on the duties of their appointment, shall take an oath before some officer of this territory authorized to administer oaths, to faithfully, impartially, and to the best of their abilities, perform the duties re-

quired of them by this act, and a certificate of said oath having been administered to them shall accompany and be filed with their said report.

SEC. 6. That said commissioners shall receive for each day actually and necessarily employed in locating said permanent seat of justice, two dollars per day, out of the county treasury of said county of Franklin. Salary.

SEC. 7. The duty hereby required, by the provisions of this act, of the commissioners, to locate the permanent seat of justice of said county, shall be performed within four months after their election. When duty shall be performed.

SEC. 8. No commissioner elected under the provisions of this act shall be in any way interested in the place selected as said permanent seat of justice. All acts and parts of acts inconsistent with and contrary to the provisions of this act are hereby repealed. No commissioner must be interested in place selected.

This act to take effect and be in force from and after its passage.

Approved, February 23d, 1857.

AN ACT to organize the County of Coffey.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That so much of the thirty-fourth section of the act entitled "An act defining the boundaries of the several counties of the territory of Kansas," as attaches the county of Coffey to the county of Anderson, be and the same is hereby repealed. Part of a section of an act repealed.

SEC. 2. There shall be elected by joint ballot of the legislative assembly at the present session, for the county of Coffey, one sheriff, one probate judge, and two commissioners, who shall hold their respective offices until the general election for the members of the legislative assembly in the year eighteen hundred and fifty-seven, and until their successors are elected, commissioned and qualified. Election of officers of county.

SEC. 3. At the general election for members of the legislative assembly for the year eighteen hundred and fifty-seven, the qualified voters of Coffey county shall elect three commissioners to select and locate the permanent seat of justice for the county of Coffey, whose duty it shall be, in making said loca- Location of county seat.

tion, to fix the same as near the geographical centre of said county, as they conveniently can, having due regard to the convenience and interests of the present and probable future population of said county, and shall proceed in the discharge of their duties in locating the permanent seat of justice of the said county of Coffey as soon after their election as is practicable, any other provision in this act to the contrary notwithstanding.

Temporary seat.

SEC. 4. The temporary seat of justice of Coffey county is hereby located at Leroy, on the Neosho river, in township twenty-three (23), range sixteen (16), section thirty-four (34).

Duty of commissioners appointed.

SEC. 5. It shall be the duty of the commissioners hereby appointed, or a majority of them, to locate the permanent seat of justice of the said county of Coffey, to make out in writing a report of the place by them so selected to the secretary of the territory, whose duty it shall be to file the same in the executive office, and the place so selected by said commissioners, or a majority of them, from and after the erection of suitable buildings for the transaction of county business, shall be the permanent seat of justice of said county.

To take oath.

SEC. 6. The said commissioners before entering on the duties of their appointment shall take an oath before some officer of the territory authorized to administer oaths, to faithfully, impartially, and to the best of their abilities, perform the duties required of them by this act, and a certificate of said oath having been administered to them shall accompany and be filed with their said report.

Salary of commissioners.

SEC. 7. The said commissioners shall receive for each day actually and necessarily employed in locating said permanent seat of justice, two dollars per day, out of the county treasury of said county of Coffey.

When duties shall be performed.

SEC. 8. The duty hereby required by the provisions of this act of the commissioners, to locate the permanent seat of justice of said county, shall be performed at as early a day as practicable, not exceeding six months from the passage of this act.

Part of an act repealed, and county attached.

SEC. 9. So much of the thirty-fourth section of an act entitled "An act defining the boundaries of the several counties of the territory of Kansas" as attaches the county of Woodson to the county of Allen, be and the same is hereby repealed, and the said county of Woodson is hereby attached to the county of Coffey for civil and military purposes, provided the inhabitants

LOCATION OF COUNTY SEATS.

of the county so attached shall not be taxed for local purposes in the said county of Coffey.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

LOCATION OF COUNTY SEATS.

AN ACT to provide for the location of the county seat of Riley County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. There shall be held at the usual places of holding elections in the different election precincts within the county of Riley, Kansas territory, on the first Monday in October, in the year one thousand eight hundred and fifty-seven, an election for the location of the permanent seat of justice of the said county of Riley, and a poll shall be opened at each of the places aforesaid; and every legal voter of said county may vote for the place of his choice, and the place having the highest number of votes shall be the permanent seat of justice of said county.

Of the election,
when held.

SEC. 2. The county commissioners of Riley county shall, at as early a day as practicable, and before the first Monday in October, one thousand eight hundred and fifty-seven, meet at such place as a majority of such commissioners shall agree upon, and organize, and shall immediately appoint three judges of election for each of the election precincts within said county; which said judges shall take an oath faithfully to discharge the duties of judges of such election, according to the laws governing elections, and shall return the poll books of the said election to the clerk of the county of Riley; and the commissioners shall within ten days after such election meet at the place agreed upon in the former part of this section specified, or, if they should fail to meet within ten days, then at as early a day as practicable thereafter, and cast up the votes given for each place voted for, and shall declare the place having the highest number of votes the permanent seat of justice of the said county of Riley.

How to proceed
at election.

Judges shall be
sworn.

Poll books shall
be provided.

SEC. 3. The clerk of the county of Riley shall prepare for each of the election precincts within said county poll books for said election; but in the event that said clerk fail to furnish such poll books, then such judges shall provide such poll books.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to locate permanently the seat of justice of Leavenworth County.

Preamble.

WHEREAS, the question of the location of the county seat of Leavenworth county is now before the supreme court of this territory for adjudication; and whereas, the location of said county seat has been in litigation for more than a year past; and whereas, it is uncertain when the decision thereon will be made; therefore—

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Election for per-
manent location
of seat of justice.

SECTION 1. That at the next election for members of the legislative assembly of this territory, to be held on the first Monday of October next, the people of Leavenworth county shall vote for a place at which the county seat for said county shall be located; and the place having the largest number of votes in the said county shall be the place where the county seat shall be permanently located.

Return of poll
books, printed
proclamation, &c.

SEC. 2. The return of the poll books on which the voters names are recorded, and the places for which they vote, and the number thereof, shall be made to the tribunal transacting county business; and the said tribunal shall cast up the votes, and the place having the largest number of votes shall be proclaimed by the said tribunal the permanent seat of justice for Leavenworth county; and the said tribunal shall declare the fact by a printed proclamation to the people of said county, and have them posted up at, at least, twenty different public places throughout the county, and also have the said proclamation printed in all the papers in the said county.

In case of non-
compliance with
duty.

SEC. 3. Should the said tribunal by any means neglect or fail to cast up the votes and proclaim the result as herein provided, and to purge the polls within thirty days after the said election, then a mandamus may issue out of the district court

of the first judicial district on application of the people of said county or any twenty citizens thereof, under the proceedings of which writ of mandamus the said tribunal shall be compelled to perform all their duties under and by virtue of this act.

SEC. 4. The returns spoken of in the second section shall be made within two days after said election. Returns.

SEC. 5. Until the county seat shall be permanently located according to the provisions of this act, the clerk of the board of county commissioners shall hold his office in Leavenworth city, and after said location shall hold his office at such place as may be selected as said permanent seat of justice. Where the clerk shall hold his office at present.

SEC. 6. And until the county seat of said county shall be permanently located under the provisions of this act, the board of county commissioners and the probate court and other courts of record of said county shall be held at the city of Leavenworth. Where courts of record are to be held at present.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to locate the county seat of Linn County permanently.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That the seat of justice of Linn county, in the territory of Kansas, is hereby permanently located at the town of Paris, in said county. Location of seat of justice.

This act to take effect and be in force from and after its passage.

Approved January 29th, 1857.

AN ACT to provide for the location of the county seat of Davis County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. There shall be held at the usual place of holding elections in the different election precincts within the county of Davis, Kansas territory, on the first Monday in October, in Election for permanent seat of justice of Davis county.

the year one thousand eight hundred and fifty-seven, an election for the location of the permanent seat of justice of the said county of Davis, and a poll shall be opened at each of the places aforesaid, and every legal voter of said county may vote for the place of his choice, and the place having the highest number of votes shall be the permanent seat of justice of said county.

County commissioners must meet.

Judges to be appointed, &c.

Poll books to be returned to clerk.

Votes to be counted.

Poll books to be prepared for election

SEC. 2. The commissioners of Davis county shall, at as early a day as practicable, and before the first Monday in October, one thousand eight hundred and fifty-seven, meet at such place as a majority of such commissioners shall agree upon, and organize, and shall immediately appoint three judges of election for each of the election precincts within said county, which said judges shall take an oath faithfully to discharge the duties of judges of such election according to the laws governing elections, and shall return the poll books of said election to the clerk of the county of Davis; and the county commissioners shall, within ten days after such election, meet at the place agreed upon, in the former part of this section specified, or, if they should fail to meet within ten days, then at as early a day as practicable thereafter, and cast up the votes given for each place voted for, and shall declare the place having the highest number of votes the permanent seat of justice for said Davis county.

SEC. 3. The clerk of the county of Davis shall prepare for each of the election precincts within said county, poll books for said election; but in the event that said clerk fail to furnish such poll books, then said judges shall provide such poll books.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

CONCURRENT RESOLUTIONS.

Council Concurrent Resolutions petitioning Congress for the right of pre-emption in a certain case.

Protecting immigration to interior of territory, &c.

WHEREAS, for the purpose of extending, encouraging and protecting immigration into the wild and unsettled, but fertile regions of the interior of our territory, and of establishing, beyond the western bounds of our frontier settlement, a post for

the accommodation and relief of travellers and traders passing to and returning from New Mexico and the north-western portion of Texas, a number of our most energetic and adventurous pioneers have associated themselves together under the name and style of the Buchanan Town Association, and by that name have been incorporated by the present legislative assembly of the territory of Kansas, in an act entitled "An act to incorporate the Buchanan Town Company," approved February 14th, 1857; therefore,

Buchanan Town Association.

Be it resolved by the Council, (the house of representatives concurring,) that the encouragement and protection of the general government be and hereby is invoked in behalf of the association herein named, and that the congress of the United States be and the same is hereby most respectfully memorialized and petitioned to pass a special act granting said association the right of preëmpting one thousand acres of the public land where the town of Buchanan is now located—that is to say, situate and being at the confluence of the Smoky Hill and Solomon forks of the Kansas river, above Fort Riley, and between the second and third standard parallels.

Congress memorialized.

Location of said town.

Resolved, further, that whereas said association has chosen a location far in the interior, in a region untenanted, untilled, and, as yet, unvisited by advancing civilization, beyond the reach of immediate aid and relief from the frontier settlements, and frequented by tribes of hostile savages, the enterprise is bold, difficult and daring, but, if successful, will be of eminent utility to all classes of the public, and will have a tendency to speedily fill with the cheerful and happy homes of an industrious people that broad expanse of territory which, though watered and fertilized by the Kansas and its numerous affluents, has for so long a time remained uncultivated and uninhabited by white men.

The enterprise.

Resolved, further, that nothing herein contained is intended to recommend any enterprise which will conflict with the rights of any Indian tribe or other persons whatsoever.

Not to conflict with the rights of any person.

Approved February 20th, 1857.

JOINT RESOLUTIONS.

Colonial records
of Pennsylvania.

Resolved by the Council and House of Representatives of the Territory of Kansas, That the secretary of the territory be authorized to receive from the Hon. D. D. Burnes, of Leavenworth county, in behalf of the legislative assembly of this territory, a copy of the Colonial Records of the state of Pennsylvania, the same having been presented by the Hon. P. W. Hook, of Uniontown, Pennsylvania, to whom our thanks are due and are hereby tendered.

Approved February 20th, 1857.

Additional fee
to be allowed as-
sistant clerks of
legislative as-
sembly.

Resolved by the Legislative Assembly of the Territory of Kansas, That there be allowed to the assistant clerks of the council and house of representatives the sum of one dollar per day, in addition to the amount allowed them by the organic act, and the same shall be audited and paid out of the contingent fund for the present fiscal year.

Approved February 20th, 1857.

Resolved by the Legislative Assembly of the Territory of Kansas, as follows :

Public printer
required to print
laws, &c.

SECTION 1. That the public printer is hereby authorized and required to print one thousand copies of the laws of the present session, and cause and have all the general laws of a public nature bound separately and in one volume, in paper backs, (similar to the journals of each house of the first session of the legislative assembly of this territory,) and the printed acts bound in paper covers.

Delivery of
laws, &c, by sec-
retary of territo-
ry.

SEC. 2. The secretary of the territory shall contract for the delivery of the laws and journals of each house, according to the act in the statutes entitled "An act concerning the statutes and legislative proceedings," and two hundred and fifty dollars are hereby appropriated for this purpose, and warrants shall be drawn for the same by the comptroller upon the certificate of said secretary.

Approved February 23d, 1847.

The joint committee, to whom has been referred a manuscript volume of forms prepared by Hon. R. R. Rees for the use of civil officers and others in this territory, in accordance with a joint resolution adopted by the legislature at its last session, have carefully examined and compared them with the statutes of the territory, and found them strictly conformable thereto, well adapted to the wants of all civil officers, and comprising numerous forms suited to the business relations of the community, and entitled to the full confidence of all interested in a publication of this nature, and we do recommend the adoption of the following joint resolution :

Manuscript volume of forms.

Entitled to confidence of all interested.

Resolved by the Council and House of Representatives of the Territory of Kansas, That the manuscript book of forms submitted to the legislature by the Hon. R. R. Rees, be and the same is hereby recommended as eminently worthy the confidence and patronage of civil officers and others in Kansas territory, for whose use they are designed.

Recommended to civil officers and others.

A. M. COFFEY, Chairman.

LUCIAN J. EASTIN,	}	Council Com.
D. A. N. GROVER,		
J. C. THOMPSON,	}	House Com.
W. H. JENKINS,		
B. F. SIMMONS,		
J. P. CARR,		
D. J. JOHNSON,		

Approved February 23d, 1857.



LOCAL LAWS.

KANSAS VALLEY BANK.

AN ACT to incorporate the Kansas Valley Bank.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That a bank, to be denominated the "Kansas Valley Bank," shall be and the same is hereby established in the city of Leavenworth.

Bank establish-
ed.

SEC. 2. The capital stock of said Kansas Valley Bank shall be eight hundred thousand dollars, all of which is to be divided into shares of one hundred dollars each.

Capital stock.

SEC. 3. The stockholders in said bank, their successors and assigns, shall be and are hereby created a body politic and corporate in law and in fact, by the name and style of the president, directors and company of the Kansas Valley Bank, and shall so continue until the first day of March, eighteen hundred and seventy-five; and by the name and style aforesaid the holders of the capital stock shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain, to them and their successors and assigns, lands, tenements, hereditaments, goods, chattels, and effects, of any nature or quantity, to an amount not exceeding in the whole, at any one time, the capital stock aforesaid, and the same to sell, alien, convey, grant or dispose of, as hereinafter limited, and to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts whatever; and to make, have and use a common seal, and the same to break, alter or renew at pleasure; also to ordain, establish and put into execution such by-laws, ordinances and regulations as may be necessary and proper for the government of said bank, not being contrary to the constitution and laws of the United States or of this territory, while it shall continue a territory, or

Concerning
stockholders.

Lands, tene-
ments, &c.

By-laws, ordi-
nances, &c.

of this state, when the same shall become a state; and generally to do and perform all things which a body politic in law and in fact may lawfully do.

By whom the bank shall be governed.

SEC. 4. The said bank shall be governed by a president and seven directors, who shall hold their offices for one year, and until their successors are elected and qualified.

Books opened for subscription to capital stock.

SEC. 5. Books shall be opened for the subscription of the capital stock of said bank under the superintendence of William H. Russell, A. J. Isacks, William H. Rogers, William F. Dyer, F. J. Marshall and James M. Lyle, at any time within six months from the passage of this act, as may be agreed upon by said named persons, any three of whom shall constitute a quorum to do business. They shall keep the books open for subscriptions of the capital stock for thirty days, unless the full amount of the capital stock shall be sooner taken, when the books shall be closed. If the full amount of the capital stock shall not be taken at the end of said thirty days, those having subscribed to the capital stock may put said bank into operation on the amount of stock then subscribed and paid in as hereinafter directed; *Provided*, that five hundred shares shall have been taken; and the directors may at any time thereafter open the books again for subscriptions of the remainder of the capital stock, in whole or in part, having first given twenty days' notice of the same, by advertisement in some newspaper in Leavenworth city.

Time books shall be kept open.

Books may be re-opened.

All subscriptions of stock to be paid for in gold or silver.

SEC. 6. All subscriptions of stock shall be paid for in gold or silver exclusively, as follows: One-tenth thereof shall be paid to the superintendents at the time of subscribing; twenty per cent. more on the first Monday of the month following the first opening of the books for subscription, and twenty per cent. more on the first Monday of the fourth month following the said first opening of the books, making fifty per cent. thereof; the other fifty per cent. shall be secured by bonds, made payable to said bank, with two good securities to each, to be approved of by said superintendents, payable six months after the date thereof. If the directors shall, at the termination of said six months, be satisfied that the bank can use advantageously the amount of said bonds, or any part thereof, they shall make an order for the payment of the same within thirty days; but the bank shall not, either directly or indirectly, base its issues upon such bonds, or upon any thing but gold or silver actually paid in.

SEC. 7. If any of the instalments are not paid in as herein-before specified and directed, the subscriber having so failed shall forfeit all the money by him paid in, if the president and directors shall so direct; and the superintendent herein appointed shall have power to refuse the application of any one to become a subscriber to the capital stock of said bank when they are satisfied that he is an unfit person to be associated as a partner in an institution of this character from want of moral character or rectitude in his former dealings, and that his connection with said bank would be injurious to the credit and standing of the same as a fair and solvent institution; and every subscriber shall declare upon oath that he is worth at least twice the amount subscribed by him.

Concerning instalments.

SEC. 8. If at the end of thirty days after the said books have been thus opened, there shall be subscribed as many as five hundred shares of the capital stock, the subscribers of the same may organize said bank by the election of a president and seven directors, who shall hold their offices until the first Monday of April, eighteen hundred and fifty-eight, when the said stockholders shall elect their successors, and the election for said officers shall be held on that day annually thereafter; but if from any cause said election shall not be held on that day, then said election shall be on the first Monday of May next ensuing. All elections shall be held at the office of said bank, except the first, which shall be held at such time and place as the superintendents may direct. All elections shall be by ballot, and the seven persons receiving the highest number of votes shall be the directors, and the person receiving the highest number of votes for president shall be president. Any stockholder may vote by proxy, but the authority therefor must be in writing and filed in the bank.

When bank may be organized.

Elections to be held at the bank.

SEC. 9. The president and directors shall have power to appoint such officers, clerks, tellers, agents and employees under them as shall be necessary for transacting the business of the bank, and to allow them a reasonable compensation.

Appointment of officers.

SEC. 10. Said bank shall not commence issuing her own paper until fifty per cent. of the stock subscribed for shall be actually paid in, in gold or silver, and the remainder secured by bonds as hereinafter prescribed; when said payment shall have been made, the president and directors shall notify the governor of the territory of the fact, and thereupon he shall inspect the money paid in and bonds executed as aforesaid for said

When the bank shall issue paper.

Governor to inspect.

stock, and then being in possession of the bank, and may examine on oath any of the officers of said bank to ascertain that the same has been paid in by the stockholders in good faith, and thereupon, if the governor ascertain that said amount has been paid in and is then in possession of the bank, and said bonds have been executed as required, he shall make proclamation in some paper published in the territory. The bank may then commence discounts upon her own paper. If from any cause the governor can not make such examination in person, he shall appoint some other person, not being a stockholder, to make the same, and certify the facts to him; thereupon he shall publish his proclamation; and all the expenses of the governor or other person, incident to said examination, shall be paid by the bank.

When the bank may commence discounts upon her paper.

Exchange.

SEC. 11. The president and directors of said bank shall have power, before the examination is made by the governor, to deal in exchanges, upon any deposits or other money which may for the time being be under the control of the bank.

Voting.

SEC. 12. The stockholders shall have one vote for each share of stock owned by them, but no director shall vote as proxy for any stockholder.

None but stockholders eligible as directors.

SEC. 13. None but stockholders shall be eligible as directors, and no director in any other bank shall be eligible as director.

Directors to have no salary.

SEC. 14. No director shall receive any salary, but they may allow the president a reasonable compensation for his services.

Number of directors requisite to transact business.

SEC. 15. Not less than four directors shall constitute a board to transact business, of whom the president shall be one, except in his absence; the directors present may elect a president *pro tem*.

How general meeting of stockholders may be called.

SEC. 16. A general meeting of the stockholders may be called by the president and directors, or by any number of stockholders representing fifty shares, by giving notice to each stockholder in writing, or by advertisement published in some newspaper published in Leavenworth city, at least two weeks before the time of meeting, specifying the objects for which the meeting was called.

Obligations required of all officers.

SEC. 17. The cashier of the bank shall execute his obligation to the bank, with good security, conditioned for the faithful performance of his duties as cashier, with such covenants as the directory may require, and the directory shall require the like obligations from all other agents, officers and employees of the bank.

SEC. 18. The bank may hold or own such real estate as shall be requisite for its immediate accommodation for the transaction of its business, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to said bank in satisfaction of debts previously contracted in the course of ordinary banking business, or purchase at sales upon judgments or decrees which shall have been obtained for such debts.

May hold or own real estate.

SEC. 19. The stock of said bank shall be assignable and transferable according to the by-laws of the same; and any stockholder who shall transfer all his stock in said bank to any other person, shall thereupon cease to be a member of said company; and any person who shall accept a transfer of any share or stock in said bank, shall thereupon become a member of the same under this act.

Stock assignable and transferable.

SEC. 20. All bills, bonds and notes, and every contract and agreement on behalf of the company, shall be signed by the president and attested by the cashier, and the funds of the company shall in nowise be held responsible for any contract or agreement whatever unless the same shall be executed as aforesaid.

All bills, &c., to be signed by president and attested by cashier.

SEC. 21. The bills obligatory and of credit under the seal of said company shall be assignable by endorsement thereon, under the hand of such person or his assignees successively, and shall enable such assignees to maintain an action thereon in their own name; and bills or notes of said corporation issued to order, signed by the president and countersigned by the cashier, promising the payment of money to any person, or his order, or the bearer, though not under the seal of said corporation, shall be binding in like manner and with like effect as inland bills of exchange now are, and those payable to bearer shall be transferable by delivery only; and all bills and notes, whether under seal or not, at any time discounted by said bank, are hereby placed upon the same footing as inland bills of exchange.

Bills obligatory and of credit assignable by endorsement.

SEC. 22. Said bank shall not directly or indirectly demand or receive, by way of discount or for interest, a greater sum than at the rate of ten per cent. per annum; no paper having longer than twelve months to run before it becomes due shall be discounted; the interest on all loans or discounts to be computed according to the ordinary rules of banking institutions; and nothing in this act shall be so construed as to prevent said bank from demanding a premium for exchange, in addition to

Discount and interest per annum.

interest upon all notes or bills made payable in any other territory, or state, or foreign country.

No loan to be made upon pledge of stock.

SEC. 23. No loan or accommodation shall be made by said bank upon any pledge of the stock of said bank, nor shall any director, agent, or other officer of the bank, discount, purchase or deal in any note or bill at a greater rate of interest than is allowed to be taken by the bank for discounting notes or bills. Any officer violating this provision shall be removed by the directory, and they shall appoint some other in his place.

Semi-annual dividends shall be made.

SEC. 24. Semi-annual dividends shall be made of the entire nett profits of the bank, but no such dividend shall be made so as to impair the capital stock, and the directory may at any time set apart a fund out of the dividends to meet contingent liabilities; at the end of every six months there shall be exhibited an exact statement of the condition of the bank to the stockholders, and if any stockholder be then in default, and shall have failed to pay such sums as may have been required by the charter or by-laws of the bank, the party so failing shall forfeit all sums previously paid by him, if the directors shall so order.

President and directors may establish agencies.

SEC. 25. The president and directors may establish any number of agencies not to exceed five, but such agencies shall not issue paper, or do the ordinary business of branch banks.

Shall not suspend or refuse payment, &c.

SEC. 26. Said bank shall not at any time suspend or refuse payment of any of its notes, bills or obligations, nor of any money received on deposit, when demanded by the holder or depositor at the place where the same is made payable; and in case of such refusal, the holder of such notes, bills or obligations, or the person entitled to receive such money aforesaid, shall respectively be entitled to receive interest from the time of such refusal and damages until paid, as in case of inland bills of exchange.

Directors shall keep proceedings.

SEC. 27. The directors shall keep fair, regular minutes of their proceedings, and on any question where one director shall require it, the ayes and noes of the members voting shall be duly entered.

Any director may examine books.

SEC. 28. Any director of the bank may examine the books of the bank at any time, whether the directors be in session or not.

Bills and notes issued not to exceed 200 per ct.

SEC. 29. The bills and notes issued by this bank shall in no case exceed two hundred per cent. above the amount of the capital stock actually paid in, or three dollars of her paper for one

dollar of the capital stock actually paid in gold or silver; and in no case will they be allowed to issue any bills of a less denomination than three dollars.

SEC. 30. If any cashier, officer, agent, employee or servant of said bank, or any agency, shall embezzle or appropriate, without authority from the president and directors, any of the effects or funds of said bank to his own use, with intent to defraud said company, or shall fail to make correct entries, or shall make false entries upon the books of said bank, with intent to defraud said company, or any other person, said cashier, officer, agent, employee, or servant, shall be deemed guilty of felony and punished as in case of fraud or grand larceny.

Embezzlement,
felony, &c.

SEC. 31. Every president, director, cashier, and other officer of said bank, shall take and subscribe to an oath in substance as follows: "I, ———, do solemnly swear that I will honestly, faithfully and impartially discharge all my duties as ——— of the Kansas Valley Bank according to law, and that I will faithfully observe and carry into effect the provisions of the charter of said bank."

Oath to be taken
by officers.

SEC. 32. The directors when they enter upon their duties shall execute duplicate receipts for all money, books and other property specifically mentioned, and shall deliver one of these receipts to the person from whom they receive the same, and the other to the president of the bank.

Duplicate re-
ceipts for money,
&c.

SEC. 33. Whenever the general assembly of the territory, or state, as the case may be, shall be of opinion that this charter has been violated, they may, by joint resolution, order a *scire facias* to issue from the circuit or district court, as the case may be, of the county where the said bank is situated, in the name of the territory or state, as the case may then be, calling on said bank to show cause why its charter should not be forfeited; and *scire facias* may be served on the president, or, in his absence, on any two of the directors, which service shall be at least thirty days before the return day of said *scire facias*. The *scire facias* shall specify the nature of the complaint, and the ground upon which the forfeiture is claimed, full and minutely, and every issue of fact shall be tried by a jury empanelled for that purpose; and if, upon such trial, it is ascertained by the verdict of the jury and judgment of the court, that the charter has been violated in such manner as to require a forfeiture of the same, the court shall appoint three trustees to wind up the affairs of the bank, who shall give bond as required

Power of gener-
al assembly,
should charter be
violated.

Nature of com-
plaint.

by the court. Either party shall be allowed a writ of appeal or a writ of error, as in ordinary cases.

Officers shall not
endorse

SEC. 34. The president, any director, cashier, or other officer of the bank, shall not be an endorser on notes or bills payable to or discounted by said bank.

Purchase of stock.

SEC. 35. The president or any director of said bank may, at any time, purchase any stock or property, real, personal, or mixed, which it may be necessary for the bank to have purchased under any execution, decree or order of sale, or by private purchase or otherwise, to satisfy any debt due or owing to said bank, and the bank may sell or dispose of the same, and make a good title therefor.

Form of note
for discount.

SEC. 36. The president and directors of said bank may adopt any form of note they may think proper to be by them discounted, and the consideration of such note, when discounted by the bank or any of its agencies, shall not by any drawer or endorser be questioned in any suit brought upon the same to coerce the payment thereof.

Notice of protest,
&c.

SEC. 37. It shall not be necessary for said bank to give notice of protest of any bill or note by said bank discounted to the drawer or endorser, unless in cases when it is on a real transaction between the drawer or endorser; and in cases where the want of notice shall be urged as a ground of defence in any suit brought by the bank, the defendant shall prove satisfactorily to the court or jury, that the note sued upon was a real transaction, and that the same was not endorsed merely to enable the drawer, or any one else, to obtain credit by such endorsement.

Directors and is-
sues of the bank.

SEC. 38. If the directors of said bank shall at any time put into circulation a greater amount of the issues of this bank than is authorized by this act to be issued, the directors under whose administration it shall happen shall be liable for such excess in their individual capacities, and any creditor of the bank, or holder of its paper, may prosecute a suit at law against them or any of them, their heirs, executors and administrators, for such amount as such person may have been injured by the issuing of such excess, and have payment for the same: provided, that such of the directors as may have been absent when such excess was ordered to be issued, or such as being present dissented by their vote from issuing such excess and had their vote so recorded, shall not be individually liable for the same.

SEC. 39. There is hereby established the five following

branches of the said Kansas Valley Bank: one at Atchison, one at Lecompton, one at Doniphan, one at Fort Scott, and one at Shawnee, in Johnson county.

Branches of the bank.

SEC. 40. The said branches shall each have a capital stock of three hundred thousand dollars, and shall be governed and regulated and put in operation in the same manner as provided by this act, and subject to all of its restrictions and provisions; but in no case shall the Kansas Valley Bank hereby chartered be responsible for the acts of the said branches that are established under the provisions of this act; but the books of said branches shall be opened for subscription of said stock in the same manner as herein provided, and the said branches shall be entirely independent of each other, and independent of the Kansas Valley Bank hereby chartered.

Capital stock of branches, &c.

SEC. 41. John H. Stringfellow, Joseph Plean, and Samuel Dixon, are hereby appointed and authorized to open books for the subscription of stock for the branch bank at Atchison; Samuel J. Jones, J. C. Thompson, and John Calhoun, for the branch at Lecompton; H. T. Wilson, Samuel A. Williams, and W. W. Spratt, for the branch at Fort Scott; James F. Forman, Patrick L. McLaughlin, and Allen B. Lyon, for the branch at Doniphan; and Thomas Johnson, J. M. Bernard, and M. P. Randall, for the branch at Shawnee; all of which is to be done according to the provisions as herein contained for the Kansas Valley Bank.

Persons authorized to receive subscriptions for branches.

SEC. 42. The said branch bank or banks which may be established under this act shall be in all things conducted by and carried on, subject to all the provisions herein specified in reference to said Kansas Valley Bank, and invested with all the powers and privileges herein granted said bank.

Powers and privileges of branches.

SEC. 43. That five commissioners shall be appointed annually by the legislature, whose duty it shall be to examine the condition of the bank or banks hereby chartered, once a year, and report under oath their condition to the legislature at its next succeeding session; neither of said commissioners shall be in any way interested in said bank.

Commissioners to be appointed.

SEC. 44. The first election for said commissioners shall be before the adjournment of the present session of the legislature, and hold their office for the term of one year.

Election for commissioners.

SEC. 45. The said commissioners shall have power to examine the officers of said bank and branches under oath, and to inspect all books, records, vouchers and deposits of said bank

Commissioners to examine officers, &c.

and branches, and shall be entitled to reasonable compensation for their services, to be paid by the bank.

Directory and residence.

SEC. 46. A majority of the directory for any bank or banks shall have been, previous to their appointment or election, twelve months *bona fide* residents of the territory.

Notes redeemed in gold or silver.

SEC. 47. The notes issued by said Kansas Valley Bank and branches shall be redeemed at their respective offices, at any time during banking hours, in gold or silver; and no bill shall be made payable at any place than at the bank from which issued.

In case of failure to redeem notes.

SEC. 48. If there shall be a failure to redeem any of said notes, any judge, in vacation or in term time, may issue, on complaint being made, an injunction to restrain said bank or branches from transacting any further business, and from removing any funds or other property from said bank; and it shall be the duty of the commissioners appointed under the provisions of this act to investigate as soon as may be the condition of said bank, and if the failure to redeem, in the opinion of the commissioners, occurred either from inability or fraud, said commissioners shall declare the charter forfeited, and report the same to the next legislature thereafter, and publish the same in some newspaper in Leavenworth city for four successive weeks, so soon as said charter shall have been declared forfeited.

This act to take effect and be in force from and after its passage.

Approved February 19th, 1857.

INSTITUTIONS OF LEARNING.

AN ACT to incorporate the Kansas Territorial University.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

University established.

SECTION 1. An institution of learning is hereby created and established at the city of Kickapoo, in this territory, to be known as the Kansas Territorial University, designed to promote and encourage the diffusion of knowledge in all the branches of learning, including the literary, law, medical and theological departments of instruction.

SEC. 2. That, for the government of said university, the following persons, to-wit, Wm. P. Richardson, A. M. Coffey, Thomas Johnson, P. M. Hodges, Jesse Connell, A. J. Isacks, Spartan F. Rhea, D. A. N. Grover, Joseph Henderson, J. W. Martin, E. S. Wilhite, C. H. Grover, Joel Hyatt, R. R. Rees, John Broadus, L. J. Eastin, M. P. Rively, J. P. Carr, H. B. C. Harris, Wm. G. Mathias, C. B. Norris, D. J. Johnson, Wm. H. Tebbs, Wm. F. Dyer, Blake Little and F. J. Marshall, and their successors in office, are hereby created a body politic and corporate, and shall have perpetual succession and a common seal, and in their corporate capacity may sue and be sued, plead and be impleaded, defend and be defended against, in all courts of law or equity in this territory.

Names of corporators.

Powers.

SEC. 3. The persons hereby incorporated and their successors in office shall have all the powers, privileges and immunities whatsoever granted in an act entitled "An act to incorporate the Kansas University," passed at the first session of the legislative assembly of the territory of Kansas.

Rights conferred.

This act to take effect and be in force from and after its passage.

Approved February 19th, 1857.

AN ACT to incorporate the Buchanan University.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. An institution of learning is hereby created and established at Tecumseh, in this territory, to be known as the Buchanan University, designed to promote and encourage the diffusion of knowledge in all the branches of learning, including the literary, law, medical and theological departments of instruction.

Buchanan University established.

SEC. 2. That, for the government of said university, the following persons, to-wit, A. M. Coffey, Wilson Shannon, John W. Geary, Rush Elmore, Thos. N. Stinson, J. P. Carr, John Calhoun, Ely Moore, Duke W. Hunter, A. J. Isacks, L. B. Stateler, S. G. Cato, H. J. Strickler, W. O. Yager, Benj. J. Newsome, A. McDonald, and their associates in office, are hereby created a body politic and corporate, and shall have perpetual succession, and a common seal, and in their corporate capa-

Names of corporators.

Powers. city may sue and be sued, plead and be impleaded, defend and be defended against, in all courts of law or equity in this territory.

Rights conferred. SEC. 3. All the privileges, rights, powers and immunities granted in an act entitled "An act to incorporate and provide for the institution and support of a university in Kansas territory," are hereby conferred upon the Buchanan University.

This act to take effect and be in force from and after its passage.

Approved February 19th, 1857.

AN ACT to incorporate the Breckenridge College.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

College incorporated. SECTION 1. An institution of learning is hereby incorporated under the name and style of "Breckenridge College," to be located at or near Lodianna city, in Browne county, Kansas territory.

Names of incorporators. SEC. 2. For the government of said college, the following persons are constituted a board of directors, under the name and style of "The Board of Directors of Breckenridge College, of Lodianna city," to-wit: W. H. Honnell, Samuel M. Irvine, F. P. Montfort, Walter Lowrie, Robert J. Breckenridge, John Ford, Elijah M. Hubbard, Henry W. Honnell, John M. Scott, John Calhoun, Austin R. Forman, J. P. Blair and James G. Bailey ; and in their corporate capacity may sue and be sued, plead and be impleaded, defend and be defended, in any courts of law or equity in this territory or elsewhere.

May hold real estate. SEC. 3. The board of directors hereby constituted shall have full power, in their corporate capacity, to hold by gift, grant, devise, purchase or otherwise, any lands, tenements, hereditaments, moneys, goods or chattels, of whatsoever kind, which are or may be given, granted, purchased, devised or otherwise come into their possession, for and to the use of said college, and may sell, dispose of, and convey the same, or any part thereof, or lease, rent or improve in such a manner as they may think best for said college.

May fill all vacancies. SEC. 4. The board of directors hereby incorporated shall have full power to fill all vacancies which may occur in their

own body, any five of whom shall be a quorum at any regularly appointed meeting for the transaction of business.

SEC. 5. The board of directors aforesaid shall have power to appoint from time to time a president, vice-president, secretary, treasurer, and such other officers and agents as may be necessary in the management of the affairs of said college, and said board shall have power and authority to take bonds from such officers and agents in such sum as may be deemed proper, and shall have in all matters the powers and privileges conferred by the provisions of an act entitled "An act concerning corporations." May appoint of-
ficers.

Powers.

SEC. 6. The board of directors aforesaid may prescribe the course of studies, and the terms of admission and tuition, provided that no person shall be excluded on account of religious belief. Directors' du-
ties.

SEC. 7. The faculty of said college shall have full power to confer degrees, grant diplomas, and transact such business as such bodies usually perform, not inconsistent with the laws or the provisions of this act. Faculty of col-
lege; powers.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Centropolis College.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Joel K. Girdin, G. W. Smith, Wm. Moore, Perry Fuller, J. F. Garvin, and Cyrus Currier, are hereby constituted a body corporate, under the name and style of the "Centropolis College," and they shall have perpetual succession and a common seal, and in their corporate capacity may sue and be sued, plead and be impleaded, defend and be defended, in all courts and places whatsoever. Names of cor-
porat es.

Powers.

SEC. 2. Said board of trustees shall have power to receive, acquire, recover and hold any money, or real or personal property or estate, that may be granted, donated or devised for the use of said institution, and may purchase and dispose of property in such manner as will best promote the object of their organization. May hold real
estate.

Can confer
honors, &c.

SEC. 3. Said corporation shall have power to confer all the literary honors and degrees conferred by similar institutions, and to create such other degrees as may best promote the education of agriculturists and professional teachers for common and high schools.

Trustees may
appoint faculty.

SEC. 4. Said board of trustees is hereby empowered to appoint a faculty, the president of which shall be *ex officio* president of the board of trustees, and to appoint such other officers and tutors as the interests of the institution may require; they may also displace the same, and may make such by-laws and regulations as will further the interests of the college; *Provided*, they be not inconsistent with the laws of the land.

May displace
members, &c.

SEC. 5. Said corporation shall have power to displace members of their own body who shall become disqualified for duty by age, infirmity or otherwise, or who shall fail to perform their duties from neglect of the interests of the institution.

Real estate lim-
ited to 160 acres.

SEC. 6. The second section of this act shall be so construed as not to permit said college to hold at any time more than one hundred and sixty acres of real estate.

This act to take effect from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Haskell College.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of cor-
porators.

SECTION 1. That George Haskell, P. B. Plumb, Lyman Allen, G. W. Browne and Columbus Homesley, and their successors, be and they are hereby created into a body politic and corporate, in deed and in law, by the name, style and title of the "Haskell College," and by that name and title shall have perpetual succession, shall be able and capable in law and in equity to receive, take and hold, for the use of the said college, lands, tenements, hereditaments, and estate, real and personal, whatsoever, and the same to grant, bargain, sell, transfer, assign, mortgage and convey in such manner as the said corporators, or a majority of them, shall deem proper; and to receive and make all deeds, transfers, contracts, conveyances, covenants and assurances whatsoever; and to make, have and use a common seal, under and by which all deeds, assurances, diplo-

Powers.

mas and acts of the said college or corporation shall pass and be authenticated, and the same seal to change and renew at pleasure ; and generally to do every other act or thing necessary to carry into effect the provisions of this act, and to promote the objects and designs of the said corporators.

SEC. 2. That the object and design of said corporation shall be the establishment of a college within the limits of the city of Emporia, in which are to be taught the elementary branches of education, together with the sciences and modern and ancient languages, in the manner that may be determined, from time to time, by the proper officers of the said corporation, and as the same may be set forth in their by-laws and regulations ; *Provided*, such by-laws and regulations are not inconsistent with this charter, or with the constitution of the United States or the organic act of this territory.

Object of corporation.

By-laws not to conflict with this charter.

SEC. 3. That no misnomer of the said corporation shall defeat any intended gift, grant, conveyance, devise or bequest thereto, nor any act or deed intended to be done or made thereby.

Of a misnomer of corporation.

SEC. 4. The first section of this act shall be construed as not to permit said college to hold at any time more than one hundred and sixty acres of land.

Limitation of real estate.

This act to be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Kansas College Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Jacob Ulrich, Thomas Armor, George M. Harvey, John Kesler, Aaron Dow, Joel Haworth, Elijah Yeakley and Benjamin Wright, and their associates and successors, be and they are hereby incorporated into and made a body politic and corporate by the name and style of the "Kansas College Association," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever ; said association is authorized to have and to use a common seal, and to alter or change the same at pleasure, and to make such by-laws as may be deemed necessary

Names of corporators.

Powers.

for the government of said association and management of its affairs.

Of shares and membership.

SEC. 2. One hundred dollars shall constitute a share in this association, and any person holding one or more shares shall be a member.

Capital stock.

SEC. 3. When eight thousand eight hundred dollars are secured by shares, the trustees of this association may proceed to select a site for the purpose; the land purchased shall be government land; the total capital stock of the association (which shall be limited to the amount subscribed and raised at the time of the purchase of the land) shall be expended in purchasing land; one section of the land at least shall be reserved for a town site, the remainder shall be laid out in lots from ten to eighty acres, and appraised at two dollars and fifty cents per acre on an average, and every shareholder may receive in land to the amount of stock actually paid at the appraised price, and be entitled to a scholarship of five years' gratuitous tuition in the institution to be built and endowed from the proceeds of the town site and remaining lands.

May purchase land.

Privileges of shareholders.

Educational fund.

SEC. 4. The money raised from the sale of town lots and land shall constitute in perpetuity an educational fund, of which one-fourth part may be used in the erection of such buildings for the institution as the board of trustees shall judge necessary. The institution shall embrace a preparatory and collegiate department, and shall be of such a character as to give to both sexes the opportunity of acquiring a liberal education.

Character of institution.

Fund for library, &c.

SEC. 5. Of the remaining three-fourths of the fund, the interest only shall be used for supporting professors and teachers in the various departments of the institution; the purchasing of a library, and philosophical, chemical and astronomical apparatus; the collection and preservation of botanical, mineralogical and zoological specimens, and other necessary and incidental expenses connected with the general good of the institution.

Of trustees.

When elected.

Of vacancies.

SEC. 6. The officers of this association shall consist of five trustees, whose term of office shall be so arranged that a vacancy shall occur annually. They shall be elected at a called meeting as soon as practicable after the sum of eight thousand eight hundred dollars are subscribed, and each member shall have one vote. Vacancies in the board of trustees shall be filled by the acting trustees and college faculty and the members of this association, which last privilege shall cease with the

removal or decease of the original members or founders, and then the trustees and college faculty shall fill vacancies in perpetuity.

SEC. 7. The board of trustees shall have charge of the funds, the appointment of the faculty, and the general superintendence of the finances and other interests of the institution ; and shall elect from their number a president, secretary and treasurer, whose general duties shall correspond with those usually pertaining to such offices, and such special duties as are hereinafter provided for.

Powers of trustees.

SEC. 8. The secretary shall safely keep all records, books and papers pertaining to his office open for inspection, and deliver them to his successor in office, and shall execute all deeds and conveyances for the institution. The treasurer shall keep a minute account of all moneys received by him for the institution ; pay out the same by order of the trustees, signed by the secretary ; make a quarterly report of his acts to the secretary, and an annual report to the board of trustees ; and the treasurer and secretary shall, each of them, before entering upon the duties of their offices, execute and deliver to the president bonds for the faithful performance of the duties of their respective offices, with security approved by the board of trustees.

Duties of secretary.

Of treasurer.

Reports.

Securities.

SEC. 9. The trustees may make such by-laws as may be necessary to carry into complete effect the object of this association, as specified in section fourth.

Of by-laws.

SEC. 10. Until the election provided for in section sixth shall take place, Aaron Dow, Jacob Ulrich, John Kesler, Thomas Armor and George M. Harvey shall constitute the board of trustees.

Board of trustees

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Kansas Female Collegiate Institute.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That F. J. Marshall, Wafton F. Y. Lumier, Robert Wilson. S. D. Houston, S. B. White, Abram Barry, C.

Names of coporators.

R. Mobley, D. Mitchell, J. U. Parsons, D. L. Chandler, L. J. Eastin, Thomas Johnson, their associates and successors in office, be and they are hereby created a body politic and corporate, for the purpose of establishing a literary institution in or near the town of Ogden, under the name and style of the "Trustees of the Kansas Female Collegiate Institute," and by that name, in their corporate capacity, they shall be capable of suing and being sued, pleading and being impleaded, in all matters whatsoever, in any court of law or equity in this territory. They are authorized to have and use a common seal and alter the same at pleasure, and to grant diplomas to those who may successfully complete the course of instruction prescribed by the officers hereinafter provided for.

Powers.

Have power to hold real estate.

SEC. 2. The corporation hereby created shall have power to purchase and hold, or to enter by pre-emption or otherwise, or to receive by donation, any quantity of land and any amount of real and personal property, not to exceed one hundred and sixty acres, necessary to the full execution of their trust; said property to be forever free from taxation of every kind while devoted to the cause of female education.

May choose their own officers.

SEC. 3. Said corporators shall have power to fill their own vacancies and to choose their own officers. They are authorized to appoint from their own number a board of directors, and entrust them with such powers as they think proper under this act. Said board of directors shall be authorized to appoint a faculty of instruction, prescribe a course of study, prepare buildings, receive, invest or disburse funds, and make any by-laws and regulations whatsoever necessary to the execution of their trust. They shall report their proceedings annually to the trustees, and the trustees shall report to the legislature of the territory.

By-laws.

Meeting for organization.

SEC. 4. Said corporators shall meet in the town of Ogden on the fourth Saturday of March, eighteen hundred and fifty-seven, for the purpose of organization, and thereafter on their own appointment or at the call of the president.

Of alienation of any funds.

SEC. 5. The alienation of any funds received in trust by this corporation to other purposes shall work a forfeiture of those funds to the original grantors or the territory.

This act to take effect and be in force from and after its passage.

Approved February 19th, 1857.

AN ACT to incorporate the Manhattan Institute.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That C. E. Blood, Washington Marlatt, E. M. Thurston, Albert A. Griffin, Andrew Scammon, A. J. Mead, Ira Taylor, J. D. Woodworth, and their associates and successors, be and they are hereby constituted a body corporate and politic, under the name and style of the "Manhattan Institute," and by that name they and their successors in office shall be and they are hereby made capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and defend, answer and be answered, in any court in this territory or elsewhere; and to receive donations and to hold any estate real, personal or mixed, and the same to grant, sell, lease, mortgage, or otherwise dispose of, for the benefit of said institute; and they and their successors may have a common seal, and may change, break or alter the same at pleasure.

Names of corporators.

Powers.

SEC. 2. That said corporation shall have the power to ordain a constitution, rules and regulations, for the government of its members, and alter and amend the same at pleasure.

May make a constitution.

SEC. 3. The object of this institute shall be the promotion of science, literature and the arts, by establishing a school of design, by literary exercises, reading original papers on new or disputed points in philosophy and science, collecting and preserving specimens in natural history, and securing an extensive library; and the funds of the corporation shall be applied exclusively to the promotion of these objects.

Object of institution.

SEC. 4. Any person can be a member of this corporation who shall be elected by the members thereof, and may be excluded for disregarding the rules and regulations of the institute.

Members of corporation.

SEC. 5. The property held and owned by this corporation shall be free from all taxation whatsoever.

Free from taxation.

SEC. 6. Said corporation shall not hold any real estate, except such as may be necessary for the use of the society, and it may continue so long as it faithfully observes the objects of its institution; but the legislative assembly, whenever satisfied that it has failed to accomplish or pursue its objects, or has violated any of the provisions of this act, may alter or repeal the same.

Can hold no more estate than necessary.

SEC. 7. Nothing herein contained is to conflict with the provisions of the law of corporations as passed by the last legislature of the territory of Kansas.

Act not to conflict with other laws.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Wakarusa City Seminary.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporators.

SECTION 1. That Robert M. Simmerwell, Wm. Yocum, G. W. Berry, Wm. Matney, sen., Matthew Rule, H. J. Strickler and Wm. O. Yager, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Wakarusa City Seminary," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, to alter the same at pleasure, and to make such by-laws as may be necessary for the government of said company and the management of its affairs.

Powers.

May hold real estate.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of real estate, in the county of Shawnee, not to exceed one hundred and sixty acres, and to sell and dispose of, and convey the same.

Shall pass by-laws.

SEC. 3. Said company shall have power to pass by-laws for the election of such officers, at such time or times, as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers as the said company may by its by-laws designate, which deeds shall be acknowledged and recorded as other deeds of conveyance, and when so made and acknowledged shall be deemed and held a sufficient execution of the same in all courts of law in this territory.

Of signing and recording deeds.

May erect a building, &c.

SEC. 4. Said company shall have further power to erect on said lands a seminary of learning, and shall prescribe rules and regulations for the government thereof; may provide for the erection of the necessary buildings, and receive donations in money or in property, real, personal or mixed, and may do all other acts and things necessary to carry out the provisions of this act, not inconsistent with the provisions thereof.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Leavenworth Lyceum.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. Thomas F. Campbell, Jacob E. New, Tiffin Sinks, George M. Myers, D. L. Henry, Joseph F. Smith, A. W. Robinson, John J. Moore, R. R. Rees, W. H. Adams, John T. Myers, Reece Paynter, and their associates and successors, are hereby constituted a body corporate and politic by the name and style of the Leavenworth Lyceum, and by that name shall have perpetual succession, may sue and be sued, contract and be contracted with, plead and be impleaded, answer and be answered unto, defend and be defended against, in all courts and places whatsoever ; and to purchase and hold real and personal estate, so far as may be necessary for the proper management of their affairs, and to convey and dispose of such real or personal property in such manner as they may prescribe ; to have a common seal and alter and change the same at pleasure, and to do all other acts and things necessary to effect the objects of their association.

Corporators of the company and their powers.

SEC. 2. Said lyceum may, by joint stock, donation, or otherwise, create or procure such funds as may be necessary for the establishment of a library at the city of Leavenworth, and for the increase of and taking care of the same, and for the erection of suitable buildings for the purpose of said association.

May procure funds by joint stock, &c.

SEC. 3. Said lyceum may pass all necessary by-laws, not inconsistent with the laws of the land, which may tend to the advancement of the objects of said association, and may enforce the observance of the same in such manner as they may prescribe.

May pass by-laws.

This act to take effect and be in force from and after its passage.

Approved, February 10th, 1857.

CEMETERIES.

AN ACT to incorporate the "Laurel Hill Cemetery Association."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of corporators.

SECTION 1. That Albert G. Boone, Wm. O. Yager, Charles Pleasants, Robert L. Johnston, Andrew J. Rodrique, John Donaldson, and such other persons as they may associate with them, and their successors, be and they are hereby created a body politic and corporate, in law and in fact, by the name and style of the "Laurel Hill Cemetery Association," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and may have and use a common seal, and the same at their pleasure alter and renew; and shall have power to purchase, have, hold and enjoy, to them and their successors, any land or real estate which they may purchase within ten miles of the city of Lecompton, Douglas county, K. T., for the purpose of establishing said cemetery, provided the whole quantity of land to be held shall not exceed eighty acres; and the said corporation shall have authority to receive gifts or bequests for the purpose of improving said cemetery, and to hold personal property, such as may be deemed necessary to carry out the object of this act.

Powers.

Proviso.

Board of managers.

SEC. 2. That the affairs of said corporation shall be conducted by a board of managers, composed of a president and four managers, three of whom shall form a quorum for the transaction of business; and that said board of managers shall be organized by the corporators, who may vote by proxy, and be so represented.

By-laws.

SEC. 3. That the board of managers, so organized, shall have power to make such by-laws, rules and regulations as they may deem proper for conducting the affairs of said corporation, for the government of lot holders and visitors to the cemetery; for the transfer of lots and the evidence thereof; have power to lay out and ornament the grounds purchased for said cemetery; to erect such buildings thereon as may be proper and necessary for the enjoyment of the same; to lay out, sell and dispose of burial lots; to appoint all necessary officers, and fix their several duties and compensation.

Powers of managers.

SEC. 4. That said board of managers shall have power to fill all vacancies by death, resignation, or otherwise, as may be defined in their by-laws.

May fill vacancies.

SEC. 5. That every lot conveyed in said cemetery shall be held by the proprietor for the purpose of sepulchre alone, transferable with the consent of the president and managers, and shall not be subject to attachment or execution; and all the grounds held by the company hereby incorporated, and actually enclosed, laid out and used for burial purposes, shall be exempted from all public taxation while so used for purposes of sepulchre: *Provided*, that not less than one acre of ground in the aggregate, to be located wherever the managers may designate, subject to all the rules, regulations and by-laws of said corporation, be appropriated for the exclusive use and burial of poor deceased persons and strangers who were not the inmates, at the time of their death, of a hospital, poor house, or asylum, capable of incurring the expense of burial for their inmates or out-door patients; and *Provided, also*, that the said ground and graves of such deceased poor and strangers shall be kept in as good order and condition as any remaining portion of the cemetery, and that some monument or evidence, bearing the name of said deceased poor, or stranger, be erected at the expense of said company.

Lots not subject to attachment.

Proviso.

Burial place for strangers and poor.

SEC. 6. That whenever the said land shall be laid off into lots or plats, and such lots or plats, or any of them, shall be transferred to individual holders, and after there shall have been an interment in a lot or plat so transferred, such lot or plat from the time of such interment shall be forever thereafter inalienable, and shall, upon the death of the holder or proprietor thereof, descend or go to the heirs at law or devisee of such holder or proprietor; *Provided*, nevertheless, that any one or more of such heirs at law may re-lease to any other of the heirs at law his or their interest in the same, on such conditions as shall be agreed on and specified in such re-lease; a copy of which re-lease shall be recorded in the company's office, as well as in the clerk's office of the county within which the said cemetery shall be situated.

Lots, after transfer, inalienable.

Proviso.

SEC. 7. That as soon as the money received from the sale of lots in said cemetery shall be sufficient to pay the expenses that shall have been incurred in purchasing, laying out, enclosing, improving and repairing the grounds, and erecting the necessary buildings, then one-third of the nett proceeds of such sales shall be invested, to create a sinking fund, the interest of

Sinking fund to be created, when

Proviso.

which shall be applied to keeping said cemetery, lands, walks, improvements, shrubbery and enclosures in good order and repair; *Provided*, that when all such lots shall have been disposed of by sale or otherwise, each lot holder shall become a member of the corporation, and have a right to vote for the officers thereof; and at all elections held thereafter under this act, each member of the corporation shall be entitled to one vote and no more.

Any person injuring any part of grounds, deemed guilty, &c.

Penalty.

SEC. 8. That any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone, building or other structure, placed in said cemetery, or any fence, railing or other work for the protection or ornament thereof, or any lot or plat within such cemetery, or shall wilfully destroy, cut, break, or injure any tree, shrub or plant, within the limits of such cemetery, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be imprisoned not less than one day, nor more than one year, at the discretion of the court; and such offender shall also be liable in an action of trespass, to be brought, in all such cases, in the name of the corporation, and to pay all such damages and costs of prosecution as shall have been occasioned by his or their unlawful act or acts; such money when recovered, shall be applied by the managers to the reparation or the restoration of the property so destroyed or injured.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Tecumseh Cemetery Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of corporations

SECTION 1. That Thomas N. Stinson, H. W. Martin, L. B. Stateler, H. J. Strickler, Wm. O. Yager, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Tecumseh Cemetery Association, and by that name have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in all courts in this territory; and in like manner to have and use a common seal, which they may alter or change at pleasure; to have a constitution, and to make such by-laws,

rules and regulations under the same as may be deemed necessary for the good government of the corporation and the efficient management of its affairs, provided the same do not conflict with the public law of the land. Proviso.

SEC. 2. The corporators named in the foregoing section shall have power to fill vacancies occurring in their board, to elect one of their number as president of the board, appoint a secretary and treasurer, and such officers as the board shall deem needful, and prescribe their duties and terms of office; they shall also keep a faithful record of their proceedings, copies of which, certified under the seal of the corporation, shall be received as evidence in all courts in this territory. Power of corporators.

SEC. 3. Said corporation shall have power to purchase and hold land to be appropriated to, and used as a cemetery or burying ground, and may divide the same into lots and subdivisions in said cemetery for the purpose aforesaid, subject to such conditions as may be prescribed by its by-laws; and every lot or right sold and conveyed, shall be held and used by the proprietors thereof for the purpose aforesaid, and shall not be subject to attachment or sale under execution, nor by order of any court, or be conveyed by the owner out of his family after interments have been made in said lot. May purchase and hold land.

SEC. 4. All deeds for the conveyance of lots or subdivisions in said cemetery shall be signed by the president of said corporation, and attested by the secretary, with the seal of the corporation attached; and the further certificate of the secretary that the president executed the same, shall be deemed a sufficient authentication of said deed in all courts and places whatsoever. All deeds shall be signed by the president, &c.

SEC. 5. It shall be lawful for said corporation to hold any grant or bequest of money or property in trust, and to apply the same or the income thereof, under the direction of said board, for the improvements of said cemetery or any portion thereof, or in the erection of buildings, preservation of tombs or monuments, according to the terms of any such grant or bequest. Shall be lawful to hold money, &c., in trust.

SEC. 6. Any person or persons who shall wilfully injure or damage the tombs or monuments in said cemetery, or any of them, or the fences by which they may be surrounded, or the shrubbery or other parts of said cemetery, shall be held to be guilty of a misdemeanor and punished according to the laws of the territory. Damage to tombs, &c.

Property ex-
empt from taxa-
tion.

SEC. 7. The property of said association shall be exempt from taxation for either state, county or corporation purposes, and also all lots and subdivisions which may be sold to persons as hereinbefore specified.

This act to take effect from and after its passage.

Approved February 17th, 1857.

INSURANCE COMPANIES.

AN ACT to incorporate the Leavenworth Fire and Marine Insurance Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Capital of com-
pany.

Names of com-
missioners.

Election of off-
icers.

Name of com-
pany.

Powers conferred
thereon.

SECTION 1. An insurance company is hereby established, with a capital of fifty thousand dollars, which may be increased at the will of the stockholders to any amount not exceeding five hundred thousand dollars, in shares of one hundred dollars each. William H. Russell, Edward C. McCarty, M. P. Rively, Amos Rees, John W. Forman, L. J. Eastin and Andrew J. Isacks, or any three of them, shall be commissioners to open books for subscription for said stock, in such manner and at such times and places as they may appoint, until thirty thousand dollars of stock shall be subscribed; and in a reasonable time thereafter the subscribers shall meet and choose their directors, first giving ten days' notice of such meeting in some newspaper published in the city of Leavenworth, where the office of said company is to be kept, which meeting may be called by any three of the stockholders residing in the city of Leavenworth.

SEC. 2. The subscribers for said stock, their successors and assigns, shall be a body corporate and politic, by the name and style of the "Leavenworth Fire and Marine Insurance Company," by which name they and their successors shall have succession for thirty years, and are made capable in law of buying and possessing property of every kind, and the same to sell and dispose of, contracting and being contracted with, of suing and being sued, of defending and being defended against, in all courts and places whatsoever, in all manner of actions; and may have a common seal, which they may change at pleasure;

provided it shall only hold such real estate as is necessary for the transaction of its business.

SEC. 3. The payment for the stock subscribed shall be in the following manner: At the time of subscribing, one dollar shall be paid the commissioners on each and every share, and before the company shall be authorized to issue a policy of insurance, the further sum of nine dollars shall be paid the directors on each and every share, and the balance due satisfactorily secured, payable on demand; and if any stockholder fails to meet his calls for thirty days after the same shall be demanded, the directors shall have power to sell his stock to pay the same, upon such terms as may be prescribed by the by-laws of the company: *Provided*, that such sale shall in nowise affect the liability of such stockholder, or the security given by him to said company to secure his subscription of stock; but said company may sue for and recover, or otherwise collect from such stockholder, on said securities, or otherwise, any balance that may be due on the same.

Of the payment
of the stock.

Provided.

SEC. 4. The corporation hereby created shall have power and authority to insure all kinds of property against loss or damage by fire; to make all kinds of insurance against loss on property of every kind, in the course of transportation, whether happening upon land or water; to make such other insurance as they may deem proper or expedient, and to re-insure themselves against loss on any risk which they may have taken, and generally do and perform all necessary matters and things connected with these objects, or either of them.

Powers of com-
pany.

SEC. 5. The affairs of said corporation shall be managed by nine directors, who, after the first year, shall be elected annually on such day as the directors at the first meeting may designate, first giving twenty days' notice in some newspaper published in the city of Leavenworth of such election. Should any thing prevent its taking place as hereby provided, the corporation shall not for that cause be deemed dissolved, but the election may take place as shall be provided by the company's by-laws; and at every election of directors each share of stock shall entitle the holder to one vote.

Of the directors
and their elec-
tion.

SEC. 6. The directors regularly chosen by the stockholders of this company shall, as soon as may be after every annual election, choose out of their body one person to act as president, and one as vice-president; the first named shall preside at all meetings of the directory. In case of absence from any

The president
and his duties.

cause, the vice-president will perform his duties; either of whom, with the secretary, or actuary, shall sign the policies or contracts made by order of the board of directors, which contracts shall be binding with or without the seal of said corporation; and shall do and perform such other acts and things as may be prescribed in the by-laws of the company. Any director ceasing to be a stockholder, forfeits his powers and privileges as a director, and all officers of said corporation shall continue in office until their successors are chosen and qualified.

Power of corporation.

SEC. 7. The corporation hereby created shall have full power and authority to invest its surplus capital and funds in any funded debt created or to be created by or under any law of the United States government, or any law of the states or territories, or of the city of Leavenworth, in mortgages on real estate, promissory notes, bills of exchange, and on bottomry and respondentia, to sell and transfer, change and reinvest the same as the directors may deem for the interest of the corporation to be made available in the line of its ordinary business.

The stock shall be considered personal property.

SEC. 8. The stock of said company shall be considered personal property, and shall be transferable according to such rules and under such restrictions as the board of directors may direct, who, by their by-laws, may also prescribe what number of directors may constitute a board competent to transact business of the company, prescribe what number of clerks and other officers may be necessary, prescribe their duties, titles and salaries, and such other things as they may deem proper; always, however, subject to the general laws of this territory.

May establish agencies.

SEC. 9. The said company shall have power to establish such agencies as may be deemed proper for carrying on its business within or without this territory.

Of the dividend payments on the capital stock.

SEC. 10. No dividend on the capital stock of said company shall be payable to the stockholders until the sum of thirty thousand dollars of said capital stock shall have been either paid in, in cash, or have accumulated partly from cash paid in, and partly from the business of the company; and until the capital stock of said company shall be enlarged to one hundred thousand dollars, and paid in, or accumulated, as before mentioned, no dividends exceeding ten per cent. per annum shall be paid to the stockholders on the capital stock of said company; but books for the additional subscription of new stock to such an amount shall be opened, and those who shall then be stockholders shall have credit on account of such new additional stock

for any dividends to them accruing, exceeding said rate of ten per cent., until said amount of one hundred thousand dollars shall have been accumulated as aforesaid, after which the nett profits of the business of said company may be divided at the discretion of the directors. The stockholders shall have power to authorize and direct the directors to declare a dividend at any time, and in such amounts as they may so direct, any provision in this section to the contrary notwithstanding.

SEC. 11. This act shall be and the same is hereby declared a public act, and all courts, judicial officers, and others exercising judicial powers in this territory, shall judicially take notice of the same, and all the rights, powers and authority hereinbefore enumerated and conferred shall be exercised and enjoyed, any law to the contrary notwithstanding.

This act declared a public act.

This act shall be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Palermo Insurance Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That an insurance company shall be and is hereby established in the city of Palermo, with a capital stock of one hundred thousand dollars.

Insurance company established. Capital.

SEC. 2. William C. Kimber, Benjamin R. Martin, Job V. Kimber, William Palmer, Granville Livermore, Frank M. Mahan and Alden Clark, of the county of Doniphan, or any three of them, are hereby constituted commissioners to open books for the subscription to the capital stock of said company.

Name of commissioners.

SEC. 3. All the powers, conditions and provisions of an act entitled "An act to incorporate the Leavenworth Insurance Company," which are by law conferred upon the said insurance company by the aforesaid act, are by this act extended to and conferred upon the Palermo Insurance Company.

Powers, conditions, &c., conferred upon this company.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

HOTEL COMPANIES.

AN ACT to incorporate the Planters' Hotel Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporations and powers.

SECTION 1. Richard R. Rees, president ; Edward C. McCarty, secretary ; William H. Russell, treasurer ; Edward C. McCarty, William H. Russell, Amos Rees, Hamilton P. Johnson and George B. Pantan, directors, and their associates and successors, be and they are hereby constituted a body corporate and politic by the name and style of the Planters' Hotel Company, at the city of Leavenworth, with all the powers and duties, and subject to the same restrictions, as provided by an act entitled " An act concerning corporations."

This act to take effect from and after its passage.

Approved February 10th, 1857.

AN ACT to incorporate the National Hotel Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporations and powers.

SECTION 1. That Joel Walker, W. J. Osborn, C. Garrett, T. Swope, S. Armstrong, M. R. Walker, and others, their associates and successors, be and they are hereby created a body politic and corporate by the name and style of the National Hotel Company, and shall have perpetual succession, and be capable of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory ; may have and use a common seal and alter the same at pleasure, and may hold in their corporate name real estate sufficient for all the objects of this charter.

Can erect a hotel.

SEC. 2. The company hereby incorporated shall have power to erect and keep in repair a hotel, with all the necessary accompaniments, in the city of Wyandott.

May make regulations.

SEC. 3. The said company shall have power to make all needful regulations and rules for the government of the company, not inconsistent with the laws of the United States or this territory.

SEC. 4. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each. Capital stock.

SEC. 5. Provided, that nothing in this charter shall conflict with the provisions of the general law of corporations as passed by the last legislature. Shall not conflict with general law.

This act to take effect and be in force from and after its passage.

Approved January 8th, 1857.

AN ACT to incorporate the Palermo Hotel Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Reuben Middleton, S. D. Bird, John Sterwalt, F. M. Mahan, W. McKimber, N. V. Colman and J. H. Thomas, directors, and their associates and successors, be and they are hereby constituted a body politic by the name of the Palermo Hotel Company, at the town of Palermo, in the county of Doniphan, and territory of Kansas, with all the powers and duties, and subject to the same restrictions as provided by an act entitled "An act concerning corporations." Names of corporations.

Powers.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Atchison Hotel Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That John Bennett, Henry Adams, Samuel Dixon, Newcomb J. Ireland, Luther C. Challiss, Albert G. Smith, Berry S. Davenport, Michael Doyle, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Atchison Hotel Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever, in law or equity. Said company is authorized to have and use a Names of corporations.

Powers.

By-laws.

a common seal, and alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of the said company and the management of its affairs.

Capital stock.

SEC. 2. The capital stock of the said company shall be ten thousand dollars, divided into shares of one hundred dollars each, and it may be increased to any amount not exceeding fifty thousand dollars whenever the holders of two-thirds of the stock shall, by vote, so direct; the stock of said corporation shall be deemed personal property, and shall be transferable on the books of the corporation in such manner as its by-laws may prescribe.

Stock deemed personal property.

Have power to purchase land, &c.

SEC. 3. The said company shall have power to purchase, receive by donation, gift or otherwise, have, hold and enjoy, such real and personal property as may be necessary to enable them to carry out the objects of the said corporation.

This act shall take effect and be in force from and after its passage.

Approved February 14th, 1857.

MILL COMPANIES.

AN ACT to incorporate the Atchison Mill Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Corporators of company and their powers.

SECTION 1. That A. G. Smith, L. C. Challiss, John Bennett, William Jackson, Timothy Scanlan, Newcomb J. Ireland, Peter T. Abell, R. L. Kirk, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the Atchison Mill Company, and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever, in all courts of law or equity. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Capital stock.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each; but it shall be lawful for said corporation to commence their opera-

tions when and so soon as five thousand dollars shall be subscribed for, and with that capital to commence, conduct, operate and carry on the same until they find it expedient to enlarge their stock, which they are authorized to do, from time to time, to the amount first above named.

SEC. 3. The said company shall have power to purchase and hold such real estate as may be requisite for the erection of a manufacturing mill, and to do such other acts and things as may be requisite to conduct, operate and carry on the same.

Power to hold real estate.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Ogden Mill Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That J. M. Parsons, B. B. Edmons, M. M. Walker, D. L. Chandler, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the Ogden Mill Company, and by that name shall have power to sue and be sued, plead and be impleaded, in all matters whatsoever in law or equity, in this territory; and said company may have and use a common seal, and alter the same at pleasure, and make such by-laws as from time to time they may deem necessary for the government of said company and the management of its affairs.

Corporators of company and their powers.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land not to exceed five acres, sell and dispose of, and convey the same.

Purchase of land.

SEC. 3. Said company may, under their by-laws, elect such officers at such times as may be necessary to carry out the business of said company, and deeds and contracts shall be signed by such officers as the company shall select.

Election of officers.

SEC. 4. The stock of said company shall not exceed one hundred thousand dollars, and shall be deemed personal property, and may be transferred as the said company may direct.

Stock of company.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

KANSAS WATER-POWER AND MANUFACTURING COMPANY.

AN ACT to incorporate the Kansas Water-Power and Manufacturing
Company.

*Be it enacted by the Governor and Legislative Assembly of
the Territory of Kansas, as follows:*

Corporator, and
their powers.

SECTION 1. That William Y. Roberts, M. J. Parrott, Isaiah Miller, James F. Leggett, John P. Wood, James Christian, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Kansas Water-Power and Manufacturing Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever both in law and equity, and shall have all the powers and privileges which are usually granted to such corporations, and which may be necessary and proper for carrying the objects of said company into full operation.

May purchase
land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the city of Lawrence or vicinity, in the county of Douglas, that may be necessary for the purposes of corporation, not to exceed eighty acres.

May cut canal
or sewer.

SEC. 3. Said corporation shall have the exclusive right and privilege of cutting a canal or sewer along the Kansas river, commencing at the north-west corner of the said city of Lawrence, thence down said Kansas river, on the south bank thereof, to the eastern boundary of said city of Lawrence. The object of said canal or sewer is to afford a water-power for manufacturing purposes and running machinery. Said canal or sewer shall be covered over in a substantial manner, so as not to interfere with any street or alley in said city of Lawrence, or in any way to interfere with the wharf or levee of the same; nor shall said canal or sewer in any manner interfere with the navigation of the said river, nor shall said canal or sewer be of greater width than one hundred feet.

Object of canal.

Right of way.

SEC. 4. The said corporation shall have the right of way over any land through which such canal or sewer may be constructed, provided that said company shall pay all damages that shall be assessed by a jury empanelled for that purpose, by reason of the cutting of said canal or sewer through said city of Lawrence.

By-laws.

SEC. 5. The said company shall have power to pass by-laws for the government of said company.

SEC. 6. This charter shall continue for and during the term of thirty years. Charter.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

COAL AND MINING COMPANIES.

AN ACT to incorporate the Doniphan Coal and Mining Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Wm. Sublette, A. Dunning, Wm. J. Floyd, B. F. Wharton, J. W. Forman and B. O'Driscoll, their associates and assigns, are hereby incorporated a body politic and corporate by the name and style of the "Doniphan Coal and Mining Company," and by that name and style shall have corporate existence, and be entitled to all the rights and privileges and immunities of corporate bodies. Corporators and their powers.

SEC. 2. The capital stock of said company shall consist of fifty thousand dollars, with privilege to increase the same one hundred per cent., which shall be paid in such time and manner as may be prescribed by the by-laws of said association ; and such association shall have power, in the corporate capacity aforesaid, to select, buy and hold one quarter section of land, and work, use or sell the same, for their own use or benefit, as they may direct, and have a right of opening a public highway from said mines to such points as they may select, and to do all other acts and things which may be prescribed by the by-laws of said association, not in violation of the constitution and laws of the territory or of the United States. Capital stock.

This act to take effect and be in force from and after its passage. Public highway.

Approved February 20th, 1857.

AN ACT to incorporate the Prairie City Coal Mining Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Philip L. Doane, Robert Lester, James Corporators and their powers.

Gilechrist, Joseph Brisvalder, Martin Thomas, Wm. Kraft, Charles Treville, Wm. Eckert, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Prairie City Coal Mining Company," for the purpose of exploring for coal within the space of five miles north and south, and the space of fifteen miles east and west from the town of Prairie city, in the county of Shawnee, in the territory of Kansas, and for mining and vending the same; and for such purposes may erect all necessary buildings and other apparatus and fixtures for carrying on their operations; and by that name may sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity; may have and use a common seal, and alter or renew the same at pleasure; and may enjoy all the privileges usually granted to such corporations; and may purchase, hold, mortgage and convey, or transfer, any real or personal estate.

First meeting of corporation, &c.

SEC. 2. That the first meeting of said corporation may be called by the persons named in this act, at such time and place as they may select, and at such meeting a board of directors may be chosen from among the stockholders present at such meeting, and such board of directors shall take charge of the operations of the company. Said directors shall hold their offices for one year, or until successors are appointed, and may adopt such by-laws and regulations for the management of the concerns of the company as they may deem expedient, not inconsistent with the laws of this territory or of the United States.

Directors shall hold office one year.

Division of capital stock, &c.

SEC. 3. That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as they may deem expedient; and may levy and collect assessments, and forfeit and sell delinquent shares in said mines, in such manner as their by-laws may direct.

Directors shall cause a book to be kept, &c.

SEC. 4. The directors shall cause a book to be kept containing the names and residences of all stockholders, debtors and creditors, with the dates at which they became such, which may be examined by any person desiring the same who may be in any way interested in the affairs of said company.

Capital stock.

SEC. 5. The capital stock of said company shall consist of one thousand shares of one hundred dollars each, with the privilege of increasing the same to ten thousand shares, in addition to the lands and real estate which said company may acquire

either by purchase for money or its own stock, and all real estate purchased with the stock of the company which may be created, and certificates issued accordingly; but said company may go into operation at any time before the said amount of capital stock be subscribed, provided the debts or expenses incurred by such operations shall not, at any time, exceed the amount of capital stock so subscribed. Proviso.

SEC. 6. That, for the ready transportation of the products of said mines, the said company shall have power to survey, locate, establish and construct a railroad, macadamized road or turnpike from the works and premises of the company to such point within this territory as said company shall select, and the said road, with its appurtenances, to keep in continual use and repair; and if a macadamized, turnpike or plank road is constructed, to establish toll-gates, and collect and exact tolls from persons using said road. The rate of tolls to be established by the tribunal transacting county business in the county in which said road is constructed, so soon as said road is, or partly, completed. Company' shall have power to survey, locate, &c.
Of tolls.

SEC. 7. That in the event said company shall construct any such road as hereinbefore authorized to be constructed, and it shall be found by said company that the capital of said company is insufficient for such purpose, it shall be lawful for such company to receive new subscriptions for stock to the amount of the cost of such road, or such portion thereof as may be necessary, and they may increase the capital stock in proportion to such additional subscription. Capital stock may be increased.

SEC. 8. The said company shall have the right of way over any land through which such road as may be constructed shall pass, provided said company shall pay all damages or injury which may be done by the construction of such road, or shall have obtained the right of way from the proprietor of such land; such damages to be assessed by a jury, upon the order or warrant of any justice of the peace of the county through which said road may run, or of any other court having proper jurisdiction, upon ten days' notice; and such jury shall take into consideration, in their assessment, as well the benefit derived as the injury done to such premises. Company shall have right of way.

SEC. 9. The management of said company shall be vested in five directors, who shall be stockholders; any three of whom shall constitute a quorum to do business. Such directors shall hold their offices for one year, and until their successors are elected and qualified. Management of company.

SEC. 10. The board of directors, as soon as practicable after Board of directors to elect president.

their election, shall proceed to elect one of their number president of the company, and the president and directors shall elect or appoint all other officers and agents, which they shall deem necessary for the management and care of the business of the company.

May own banks
of stone coal.

SEC. 11. The said company may purchase, lease and own banks of stone coal wherever they may deem necessary; and said company shall mine and have for sale said coal at a reasonable price, as soon as practicable after possession of said coal bank is obtained, unless a sufficient quantity of coal is offered for sale within convenient distance of such coal bank.

Lawful to own
land.

SEC. 12. That it shall be lawful for said company to own pieces or parcels of land on the route of their roads, or in the vicinity of their works, to erect warehouses, work-shops, and other buildings thereon, and to lease and sell lots to workmen and others.

Stock transfer-
able.

SEC. 13. The stock of said company shall be transferable on the books of said company, in such manner as the board of directors shall prescribe by law.

First meeting.

SEC. 14. The first meeting of the stockholders of said company may be called by any one of the first three individuals mentioned in the first section of this act, and the election of directors be proceeded with.

Real estate.

SEC. 15. That this act of incorporation shall be so construed as not to allow the company to purchase or hold any real estate more than is necessary for the purpose of mining for coal, and the construction of roads, warehouses, &c.; nor shall said company enter upon the lands of any other persons, for the purpose of mining and exploring for coal, without the consent of such landholder or landholders.

Duration.

SEC. 16. This corporation shall continue for fifteen years.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Newcastle Coal and General Mining Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Corporators of
company and their
powers.

SECTION 1. That Richard Rose and A. M. Mitchell, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Newcastle Coal

and General Mining Company," for the purpose of exploring for coal and other minerals in Doniphan and Browne counties, and for mining and vending the same, and for such purposes may erect all necessary buildings and other apparatus and fixtures for carrying on their operations; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of law or equity, in all suits and actions; may have a common seal, and the same altered and renewed at pleasure; and may enjoy the privileges incident to corporations; and may purchase, hold, mortgage, transfer and convey any real and personal estate.

SEC. 2. That the first meeting of said corporation may be called by the persons named in this act at such time and place as they may select. At such meeting, a board of directors may be chosen from among the stockholders present at such meeting, and such board of directors shall take charge of the operations of the company, subject to such rules and regulations as may be adopted by the stockholders. Said directors shall hold their offices for one year, or until their successors are appointed, and may adopt such by-laws and regulations for the government of the concerns of the company as they may deem expedient, not inconsistent with the rules made by the stockholders as aforesaid, nor with the constitution of the United States.

Calling of first meeting

Directors shall hold office one year.

SEC. 3. That the directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their places of residence and the number of shares of stock held by each respectively, and the time when they became respectively the owners of said shares, and the amount of stock actually paid in; which book shall, during the usual hours of each secular day, be opened at their office in the town of Newcastle, for the inspection of the stockholders and creditors of the company, and their representatives.

Directors shall cause a book to be kept, &c.

SEC. 4. That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form, as they may deem expedient, and may levy and collect assessments, and forfeit and sell delinquent shares in said mines in such manner as their by-laws may direct.

Corporation may divide original stock, &c.

SEC. 5. That the said corporation shall not contract debts until the sum of fifty thousand dollars of the capital stock of the company is paid in, no part of which shall be withdrawn or

Corporation shall not contract debts, &c.

in any way diverted from the business of this company, and shall not contract debts at any time beyond or exceeding the capital stock of said company.

Ready transportation, &c.

SEC. 6. That, for the ready transportation of the products of said mines and manufactures, the said company shall have power to convey, locate, establish and construct a railroad, macadamized road or turnpike from the works and premises of the company to such point on the Missouri river as said company shall select, and the said road with its necessary appurtenances keep in continual use and repair; and if a macadamized road, or turnpike road, or plank road is constructed, to establish toll-gates, and collect and exact tolls from persons using said road; the rate of toll to be established by the tribunal transacting county business so soon as said macadamized or plank road is completed, or partly completed.

Toll gates.

Lawful for company to own land, &c.

SEC. 7. That it shall be lawful for said company to own pieces or parcels of land on the route of the road to the river, and to erect warehouses, workshops and other buildings thereon, and to lease and sell lots to workmen or other persons.

May own banks of stone coal, &c.

SEC. 8. That the said company may purchase, lease and own banks of stone coal and other minerals, in the above named counties, whenever they may deem necessary.

Capital stock of company.

SEC. 9. The capital stock of said company shall consist of five hundred thousand dollars—to be divided into shares of one hundred dollars each, with the privilege of increasing the same to one million of dollars, in addition to the lands and real estate which said company may acquire either by purchase for money or its own stock—and all real estate purchased with the stock of the company, which may be created and certificates issued accordingly.

In event company shall construct road.

SEC. 10. That in the event said company shall construct any such road as hereinbefore authorized to be constructed, and it shall be found by said company that the capital of said company is insufficient for such purpose, it shall be lawful for such company to receive new subscriptions for stock to the amount of the cost of such road, or such portion thereof as may be necessary; that they may increase the capital stock in proportion to such additional subscription.

Right of way.

SEC. 11. The said company shall have the right of way over any land through which such road, as may be constructed, shall pass; *Provided*, that said company shall pay all damages or injury which may be done by the construction of such road, or shall have obtained the right of way from the proprietor of such

Proviso

lands ; such damages to be assessed by a jury upon the order or warrant of any justice of the peace of the county through which such road may run, upon ten days' notice ; and such jury shall take into consideration, in their assessment, as well the benefit derived, as the injury done to any such premises.

SEC. 12. The management of said company shall be vested in five directors, who shall be stockholders, any three of whom shall constitute a quorum to do business ; such directors shall hold their offices for one year, and until their successors are elected and qualified.

Management of company vested in directors.

SEC. 13. The board of directors, as soon as practicable after their election, shall proceed to elect one of their number president of the company, and the president and directors shall elect or appoint such other officers and persons as they shall deem necessary for the management and care of the business of the company.

Board of directors shall elect the president, &c.

SEC. 14. The stock of said company shall be transferable on the books of said company, in such manner as the board of directors shall prescribe by law.

Stock transferable.

SEC. 15. Said company may, under the direction of the persons mentioned in the first section of this act, open books at such place or places as they may deem proper ; and if such persons shall not open such books, then the board of directors of such company may cause the same to be done at any time thereafter, under such regulation as the board think best.

Company may order books to be opened.

SEC. 16. This act of incorporation shall continue in force for fifteen years. Nothing in this act shall be so construed as to empower said company to purchase or hold any more real or other property than may be necessary for the legitimate purposes of said coal and general mining company ; nor to enter upon the lands of other persons for the purpose of exploring for coal or other minerals, without the consent of such landholder or landholders.

Time corporation shall continue in force, &c.

This act to take effect and be in force from and after its passage.

Approved, February 14th, 1857.

BRIDGES.

AN ACT entitled an act to authorize a Company to build a Bridge across the Grasshopper Creek, in the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Privileges granted, &c.

SECTION 1. That from and after the passage of this act the sole and exclusive privilege is hereby granted, for the period of twenty years, to Joseph Haddox, Dudley Plummer, Alexander Bayne, and James Skaggs, their heirs or assigns, to build, construct and erect a bridge across the Grasshopper creek, near the mouth of the same, provided that the said bridge shall be completed in two years from the passage of this act.

What shall not be lawful.

SEC. 2. That it shall not be lawful for any person or persons whatsoever to build, erect or construct a bridge or ferry on or over the Grasshopper creek, within three miles of the mouth of said creek, except the company as above named.

Rates of toll.

SEC. 3. The said Joseph Haddox, Dudley Plummer, Alexander Bayne, and James Skaggs, their heirs and assigns, shall, and they are hereby authorized and empowered to demand and receive the following rates of charges or toll for crossing said bridge until otherwise changed by law, to-wit: For every wagon, fifteen cents, and five cents for each and every horse, mule or ox attached to or used in said wagon; for every pleasure carriage fifteen cents, and five cents for every horse or mule attached thereto; for each and every loose ox, cow, bull, calf, horse, mule, jennet, or ass, three cents; for each and every loose hog, sheep or goat, one cent; for each and every person, three cents; for each man and horse, five cents; for each one hundred pounds of merchandise or other property not the load of wagon, three cents.

In case bridge shall go to decay, &c.

SEC. 4. If the company before mentioned shall suffer the said bridge to go to decay so as to render crossing thereon unsafe, or shall suffer said bridge to remain out of repair for the space of six months at any time, the privileges herein granted shall cease and determine.

Where bridge shall be built.

SEC. 5. That said company shall not have the right to build a bridge upon the lands of any other person without their consent, except that they may build a bridge upon a public road where the right of way is granted to the territorial or state government by Indian treaties or otherwise.

SEC. 6. That the parties incorporated shall have the right to keep a ferry at or near the mouth of Grasshopper creek until the bridge is completed. Right of parties.

SEC. 7. The rates of ferriage shall be regulated by the tribunal transacting county business for the county of Jefferson. Regulation of ferriage.

This act to take effect and be in force from and after its passage.

Approved, February 17th, 1857.

AN ACT to authorize William Fand and G. M. Dyer to establish a Bridge across Grasshopper creek, at the town of Osawkee, in Jefferson county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That from and after the passage of this act the sole and exclusive privilege is hereby granted, for the period of twenty-five years, to William Fand, G. M. Dyer, their heirs or assigns, to build, construct and erect a bridge across Grasshopper creek or Satelle river, at or near the crossing of the road leading from Fort Leavenworth to Fort Riley, opposite the town of Osawkee; *Provided*, that the said bridge shall be completed within two years from the time of the passage of this act. Privileges granted, &c.

SEC. 2. That the said bridge shall have stone abutments, and a good and substantial frame work which shall span the river from bank to bank, or resting upon a good and substantial stone pillar or pillars in the centre, or, at the proper distance apart, in the bed or channel of said river, which shall be of sufficient size and strength to resist the pressure of the high water; and shall also be at least six feet in height above high water-mark. Material to be used, and how to be constructed.

SEC. 3. That it shall not be lawful for any person or persons whatsoever to build, erect or construct a bridge or ferry on or over Satelle river or Grasshopper creek, within four miles of the said crossing of the said river or creek. What shall not be lawful.

SEC. 4. The said William Fand, G. M. Dyer, their heirs and assigns, shall and are hereby authorized, directed and empowered to demand and receive the following rates of toll or charges for crossing said bridge, until otherwise changed by law, to-wit: For every wagon, twenty-five cents; for each horse, mule, ass, jenny, or ox, attached thereto, five cents; for each Rates of toll.

or every pleasure carriage, fifteen cents ; every horse or mule attached thereto, five cents ; for each or every loose or drove ox, cow, bull, calf, horse, mule, ass, or jenny, three cents ; for each and every loose or drove hog, sheep, or goat, one cent ; for each and every horse with rider, ten cents ; and for each and every person on foot, five cents.

persons
over-
&c

SEC. 5. And if the said William Fand, G. M. Dyer, their heirs and assigns, shall charge or receive more than the rates hereto affixed, the person or persons so charged or so paying the excess are hereby authorized and empowered to sue the said William Fand, G. M. Dyer, their heirs or assigns, in debt, for the recovery of the sum of ten dollars, in his, her or their own right and costs of suit, before the nearest justice of the peace ; *Provided*, this act shall not be so construed as to interfere with the rights of any person or persons who may have erected or commenced the erection of any bridge, or the construction of any ferry, previous to the passage of this act.

In case bridge
should be allowed
to go to decay,
&c.

SEC. 6. If the said William Fand and G. M. Dyer shall suffer said bridge to go to decay, so as to render crossing thereon unsafe, or suffer said bridge to remain out of repair for the space of three months at any one time, the privileges herein granted shall cease ; *And provided further*, that the said William Fand and G. M. Dyer shall not obstruct or stop the ford at said crossing.

This act to take effect and be in force from and after its passage.

Approved February 10th, 1857.

AN ACT supplemental to an act, entitled " An act to incorporate the Kansas River Bridge Company."

Be it enacted, by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Company al-
lowed to demand
toll, &c.

SECTION 1. That it shall be lawful for the Kansas River Bridge Company to demand and receive tolls from travellers and others crossing or passing over said bridge, not exceeding the rates established for the Lecompton Bridge Company ; *Provided further*, that said rates may be regulated by any succeeding legislative assembly.

Persons passing
over guilty of
false representa-
tions to be fined.

SEC. 2. That if any person or persons passing over the said bridge shall falsely represent that he, she or they are going to

or returning from a funeral, divine worship or school, or shall in any way attempt to evade, by false representations, the tolls, said person or persons shall forfeit and pay the sum of five dollars and all costs and expenses, to be recovered in the corporate name of the said company, before any justice of the peace or other court of competent jurisdiction, by action of debt or otherwise, as by law recoverable.

SEC. 3. That said bridge company are hereby authorized to issue bonds, for the construction of said bridge, to such amount only as may be necessary to construct and complete said bridge and toll-house, and may sell the same in such amount, upon such terms, above or below par, and at such rates of interest as may be agreed upon by the parties interested, not to exceed ten per cent. per annum; *Provided*, said bonds shall not be issued for a less amount than twenty-five dollars; *And provided further*, that said bonds shall not be circulated as money; nor shall said company exercise any banking powers.

Authorized to
issue bonds and
sell same, &c.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Stranger Bridge Company,

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. Alexander Majors, William H. Russell and William B. Waddle are hereby incorporated into a body politic and corporate by the name and style of the "Stranger Bridge Company;" and all the powers, privileges, rights and immunities provided for by an act entitled "An act concerning corporations," are hereby attached to and made applicable to this act of incorporation.

Names of cor-
porators.

Their powers.

SEC. 2. The company hereby incorporated shall have the right to erect, construct and to keep in repair a bridge across Stranger creek, at or near the mill of Messrs. Majors, Russell & Co., in Leavenworth county; and the said company hereby incorporated are authorized, in their discretion, to charge such rates of toll, after said bridge shall be completed, for all persons, cattle, stock, or other animals, and for all vehicles, freight or loading, or any goods or merchandise, at

Have the right
to erect a bridge
across Stranger
creek.

Of the rates of
toll.

such rates as shall be fixed by the board of county commissioners of the county of Leavenworth.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Lawrence Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Exclusive right
to build bridge
granted, to
whom.

SECTION 1. The exclusive right and privilege of building and maintaining a bridge across the Kansas (or Kaw) river, at the city of Lawrence, is hereby granted, for the period of twenty-one years, to C. W. Babcock, S. B. Prentice, James Christian, Josiah Miller, Joel K. Goodin, Marcus S. Parrott, or their assigns, or such persons as may be associated with them for that purpose.

Authorized to
form a company.

SEC. 2. Said C. W. Babcock and the other persons named in the foregoing section, or a majority of them, are hereby authorized to form a company to be known as the Lawrence Bridge Company, the capital stock of which shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions to such capital stock, establish and collect tolls for crossing said bridge, sue and be sued, and hold and convey real estate, adjacent to said bridge, sufficient for the purposes herein mentioned, not to exceed one hundred and sixty acres or a quarter section.

Capital stock.

Powers of cor-
porators.

Of rates of toll.

SEC. 3. The rates of toll on said bridge shall be such as shall be prescribed by the board of county commissioners of Douglas county, and said bridge shall be so constructed as not to interfere or prevent the navigation of said river by steam-boats.

Bridge shall
not interfere with
navigation of
river.

Must be com-
menced in three
years.

SEC. 4. Unless said bridge be commenced within three years, this act shall be void.

This act to take effect from and after its passage.

Approved February 17th, 1857.

AN ACT supplemental to an act, entitled "An act to incorporate the Lawrence Bridge Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That James F. Leggett be and the same is hereby added to the board of corporators in said act mentioned. Addition to board of corporators.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Missouri River Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Isaac N. Seaman, A. B. Hazzard, John H. Fox and J. W. Martin, are hereby constituted and appointed a body politic and corporate by the name and style of the "Missouri River Bridge Company," and by that name and style shall have power to sue and be sued, plead and be impleaded, defend and be defended against, in all courts of this territory or elsewhere. Names of corporators and their powers.

SEC. 2. And shall have power and be authorized to construct, build and erect a draw-bridge across the Missouri river, at the city of Kickapoo; and within the limits of said city to have and enjoy the exclusive right of building, erecting, constructing and keeping in repair a bridge across the Missouri river, at the place aforesaid: *Provided*, that nothing in this act contained shall entitle said company to obstruct in any manner the free navigation of the Missouri river. Have power to build a bridge across the Missouri river.

SEC. 3. And shall be authorized and empowered to receive and collect such tolls for crossing on said bridge as the county tribunal shall determine. Can not obstruct free navigation.

SEC. 4. This corporation shall have the exclusive right of constructing and erecting and keeping in repair a bridge at the place aforesaid for the period of thirty years. Of collecting tolls.

SEC. 5. No powers herein granted shall be inconsistent with the constitution of the United States, the act organizing the territories of Nebraska and Kansas, or the general law of corporations in this territory. Have exclusive right to construct bridge.

Powers granted not inconsistent with constitution of U. S.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT supplemental to an act, entitled "An act to incorporate the Lecompton Bridge Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Rates of toll.

SECTION 1. It shall be lawful for the Lecompton Bridge Company to demand and receive tolls from travellers and others crossing or passing over said bridge not exceeding the following rates; *Provided*, that said rates may be regulated by any succeeding legislative assembly: For every carriage used for the purpose of trade or agriculture, having four wheels and two horses, mules or oxen, fifty cents; same drawn by four horses, mules or oxen, one dollar; same for every additional pair or yoke, twenty cents; every carriage for personal accommodation, or pleasure, four wheels and two horses, &c., sixty cents; same drawn by four horses, one dollar and twenty cents; every dearborn wagon, buggy, or two wheel carriage of pleasure, drawn by one horse, thirty cents; every horse with rider, twenty-five cents; same without rider, ten cents; for every score of sheep or swine, twenty cents; every head of horned or muly cattle, ten cents; every foot passenger, ten cents; sleighs and sleds to be rated as wagons and carriages; persons not belonging to wagons or carriages crossing, who may be riding thereon, each ten cents; *Provided*, that every person going to or returning from a funeral, divine worship, students or children attending any school or seminary of learning, shall, at all times, be exempt from tolls.

Proviso.

Penalty for passing over bridge under false pretence.

SEC. 2. That if any person or persons passing over the said bridge shall falsely represent that he, she or they are going to or returning from a funeral, divine worship or school, or shall in any way attempt to evade, by false representations, the tolls, said person or persons shall forfeit and pay the sum of five dollars and all costs and expenses, to be recovered in the corporate name of the said company, before any justice of the peace or other court of competent jurisdiction, by action of debt or otherwise, as by law recoverable.

SEC. 3. That said bridge company are hereby authorized to issue bonds for the construction of said bridge to such amount only as may be necessary to construct and complete said bridge and toll-house, and may sell the same in such amount, upon such terms above or below par, and at such rates of interest, as may be agreed upon by the parties interested, not to exceed ten per cent. per annum; *Provided*, said bonds shall not be issued for a less amount than twenty-five dollars; *and provided further*, that said bonds shall not be circulated as money, nor shall said company exercise any banking powers.

[May issue bonds.

Proviso.

SEC. 4. That A. W. Jones, S. B. Moore, M. D. Hickman, D. T. Mitchell and W. R. Simmons be added to the number of the commissioners appointed to carry out the provisions of this charter.

Additional commissioners.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Topeka Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. The right and privilege of building and maintaining a bridge across the Kansas river, at any point upon said river not less than five nor more than ten miles above the village of Tecumseh, is hereby granted for the period of twenty-one years, to F. L. Crane, Thomas G. Thornton, M. C. Dickly, S. F. Walkley and L. G. Cleaveland, or their assigns, or such persons as may be associated with them for that purpose.

Names of corporators and their powers.

SEC. 2. Said Crane and the other persons named in the foregoing section, or a majority of them, are hereby authorized to form a company to be known as the Topeka Bridge Company, the capital stock of which shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, and shall have power to prescribe by-laws for the regulation of said company, receive and collect subscriptions to such capital stock, establish and collect tolls for crossing said bridge, sue and be sued, hold and convey real estate, so much as may be necessary for the construction of said bridge, and do all other

Of capital stock.

By-laws.

Rights.

acts and things, and exercise all the rights and privileges, appertaining to corporations.

Rates of toll.

SEC. 3. The rates of toll on said bridge shall not exceed the average of the rates on the several ferries across said river, established by law, nor shall said bridge be so constructed as to prevent or obstruct the free navigation of said river by steamboats.

This act not to interfere with any other company.

SEC. 4. No privilege granted in this act shall be so construed as to conflict with any of the rights and privileges of any bridge company which has been incorporated by the legislative assembly of this territory.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the St. George Bridge Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of commissioners.

SECTION 1. That John Corby, Joseph Hull and William Ridenbaugh, of St. Joseph, Missouri ; J. Sterling Morton and H. P. Downs, of Nebraska city, Nebraska territory ; A. J. Baker and Thomas S. Huffaker, of Council Grove ; and J. A. J. Chapman, J. D. Adams and Charles Jenkins, of St. George, Kansas territory, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned ; that is to say, they shall procure one or more books, and therein enter as follows :

Their duties

Of shares of stock.

We, whose names are hereunto subscribed, do promise to pay to the St. George Bridge Company, the sum of ten dollars for each share of stock in said company set opposite to our respective names, in such manner and proportion, and at such times as shall be determined by the president and managers of said company in pursuance of an act of the legislative assembly of Kansas territory, entitled " An act to incorporate the St. George Bridge Company," and shall thereupon proceed to receive such subscriptions for the stock of said company at such times and places as they may think proper ; *Provided always*, that every person subscribing shall previously pay to the attending commissioners one dollar for every share subscribed, out of

Of subscriptions.

which shall be paid the expenses of taking subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall have been organized, agreeably to the provisions of this act.

SEC. 2. That when ten or more persons shall have subscribed five hundred shares of the said stock, the said commissioners shall make duplicate certificates, under their hands and seals, of the names of the subscribers and the number of shares subscribed by each, one of which certificates shall be filed in the office of the secretary of the territory and recorded in the executive minutes, and the other shall be returned and entered in the books of the company, and thereupon the said subscribers shall be and hereby are declared incorporated into a company or body politic, in deed and in law, by the name of the St. George Bridge Company, and by said name shall have perpetual succession and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock as well as the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner and form as they shall think proper, *provided* such enlargement shall be found necessary to fulfil the intent of this act; and of taking, purchasing and holding, to them and their successors, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary or convenient in the prosecution of their work, and the same to sell and dispose of at their pleasure; of suing and being sued, and doing all and every other matter or thing which a corporate or body politic may lawfully do; and a certified copy of said certificate, under the hand and seal of the secretary of the territory, shall be at all times evidence of a compliance with this section.

When \$5,000 are subscribed, commissioners to make duplicate certificates.

Name of company; powers and privileges.

Proviso.

Certificate under seal of secretary of territory, shall be evidence, &c.

SEC. 3. That any five of the persons named in this act of incorporation shall, so soon as conveniently may be after sealing the same, give notice in any two papers of the territory, and the same in Missouri and Nebraska, of a time and place to be by them appointed (not less than twenty days from the time of issuing the first notice), at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of said subscribers, by ballot (either by proxy duly authorized or in person), one president, six directors, one treasurer, one secretary, and such other officers as they may think necessary to conduct the business of said company for one year, and until other officers be duly cho-

Notice shall be given in two papers, &c.

Election of officers.

By-laws, rules,
 &c.

sen and qualified ; and may make such by-laws, rules and regulations, not inconsistent with the laws of this territory, as shall be necessary for the well-being of the affairs of said company ; *Provided*, that each person shall be entitled to one vote for each share of stock not exceeding ten, two votes for every five shares above ten and not exceeding fifty, and one vote for every ten shares thereafter, a fraction in excess being counted one.

Number of votes
 each person is en-
 titled to.

President and
 directors shall
 procure printed
 certificates.

SEC. 4. That the president and directors first chosen shall procure printed certificates for all the shares of the stock of said company, and shall deliver one such certificate, signed by the president and countersigned by the secretary, and sealed with the seal of the corporation, to each subscriber, for every share held by him, on paying to the treasurer the amount of such share subscribed ; which certificate shall be transferable at pleasure, in person or by attorney, in the presence of the president or treasurer ; and the assignee holding such certificate, having first caused the assignment to be entered on the books of the company kept for that purpose, shall become a member of the incorporation.

Assignee holding
 such certificate,
 shall become a
 member of the in-
 corporation.

Of meetings.

SEC. 5. That the president and directors shall meet at such times and places and be convened in such manner as shall be agreed on for transacting their business, and at such meetings five members shall constitute a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all transactions, to be entered in a book.

Of construction
 of said bridge.

SEC. 6. That said bridge is to extend from St. George across the Kansas river to the opposite shore, and shall be constructed in such manner as not to interfere with the navigation of said river in any way.

If any stockhol-
 der shall neglect
 to pay instal-
 ments.

SEC. 7. That if any stockholder, after thirty days' notice given in two newspapers printed in this territory, and the like number in Nebraska and Missouri, of the time and place for the paying of any instalment which may be called for, shall neglect to pay such instalment for the space of sixty days after the time so appointed, every such stockholder or assignee shall, in addition to the instalment so called for, pay at the rate of two and a half per cent. per month for every delay of such payment ; and if the same, and additional penalties, remain unpaid for such a space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons, and for such price as can be obtained therefor.

Shares may be
 forfeited.

SEC. 8. That the president and directors of said company shall keep a fair and just account of all moneys received by them from said commissioners and subscribers to said company, and of all penalties in the delay of the payment of stock, and the amount of profits on shares that may be forfeited as aforesaid, as also all moneys expended by them in the prosecution of said work, and shall, at least once in each year, submit such accounts to a general meeting of the shareholders until the said bridge shall have been completed, and until the costs, charges, and expenses of effecting the same shall have been fully paid and discharged, and the aggregate amount upon such liquidated; or, whenever the said stock of the said company shall be nearly expended, it shall be found that the capital stock will not be sufficient to complete the said bridge according to the true intent and meaning of this act, it shall and may be lawful for the president, directors and company, at a stated or a special meeting, to be convened according the by-laws of said company, to increase their number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the money subscribed for such additional shares in like manner and under like penalties as is hereinbefore provided for the original subscription.

President shall keep a fair account.

Annual report.

If capital stock is not sufficient to complete said bridge.

SEC. 9. That the president, directors and company shall keep a just and true account of all money received by the several collectors of toll for crossing the said bridge, and declare a dividend of the profits and income thereof among all the stockholders, deducting therefrom all contingent costs and charges, and such proportions of the said income as may be deemed necessary for a contingent fund to provide for the decay, repairing or rebuilding of said bridge; and shall, on the first Monday of April and October of each year, publish the dividend of the said clear profits thereof among the stockholders, and give notice of the time and place, in at least two papers published nearest to said bridge, when and where the same will be paid, and shall cause the same to be paid accordingly; and the president and directors of said company shall, annually, on the first Monday of January, transmit to the auditor of the territory a full statement of their affairs under oath.

Of declaration of dividend of profits, &c., among stockholders.

Annual report.

SEC. 10. That any person or persons who shall wilfully injure, break or throw down any gate which shall have been erected on said bridge pursuant to the provisions of this act, or wilfully injure or spoil any part of said bridge or any thing

If a person shall wilfully injure any part of bridge.

thereunto belonging, he or they shall, for every such offence, forfeit to the corporation hereby created the sum of ten dollars in addition to the real damages from this wrongful act, which penalty may be recovered by the said corporation in an action of debt in any court having cognizance thereof, and a separate suit may in like manner be prosecuted and maintained by said corporation for such damages done to said bridge.

If any person shall wilfully destroy any of the company's constructions.

SEC. 11. That if any person or persons shall wilfully or maliciously remove or destroy any of the company's constructions, or place designedly or with evil intent any obstructions on said bridge so as to jeopardize the lives of persons travelling on the same, such person or persons so offending shall be deemed guilty of a misdemeanor, and shall be adjudged on convictions thereof to be imprisoned for a term of not more than two years ; *Provided*, that nothing herein contained shall prevent the said company from pursuing the remedy heretofore specified for damages done their bridge by the wrongful act.

Punishment.

Process may be served on any director, toll gatherer, &c.

SEC. 12. That, in all suits or actions brought against said company, the service of process on any director, toll gatherer, or other officer of the company, shall be good and valid in law as if made on the president thereof.

Persons holding this charter can not obstruct navigation.

SEC. 13. That if the parties holding the charter granted by this act shall obstruct the navigation of the said Kansas river in any manner, either for steam, keel, or flat boats or rafts, or any other floating craft upon said river, they shall thereby forfeit the charter herein granted, and shall be liable to forfeit and pay to the party or parties so damaged the full amount of said damages, to be recovered by suit at law before any court having cognizance thereof.

Have power to demand pay for every thing passing over bridge.

SEC. 14. The said company shall have power to ask, demand and receive pay from every person who shall cross said bridge, for all wagons, carriages or other vehicles, and for loose stock of every description ; *Provided*, that the tribunal transacting county business for the county in which the town of St. George is located, shall from time to time prescribe the rates of toll to be charged at said bridge, which shall be kept posted up conspicuously on said bridge ; and any change made by said company exceeding the rates so prescribed shall work a forfeiture of all their privileges under this act.

Proviso.

This act to take effect and be in force from and after its passage.

Approved February 10th, 1857.

T O L L S .

AN ACT authorizing N. B. Blanton to receive Tolls.

WHEREAS, N. B. Blanton, of Douglas county, at his own expense, and at a cost of one thousand dollars, has erected a good and substantial bridge across the Wakarusa river, at the crossing of the territorial road leading from a point on the California road, near Ferril's, in Douglas county, to Baptiste Peoria ; therefore,

Preamble.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That the said N. B. Blanton shall have the exclusive right of enjoying the benefits of collecting for toll for crossing of said bridge, and all other bridges that may be erected over said stream, for the distance of one mile up and down said Wakarusa river, for the period of five years ; *Provided*, that the said N. B. Blanton shall conform to a tariff of tolls that may be fixed by the tribunal that has charge of the county business in which said bridge or bridges may be situated.

Benefits of tolls.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

F E R R I E S .

AN ACT to establish a Ferry at Wyandott City, in the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That William Walker, Thomas H. Doyle, Cyrus Garrett and Henry M. McMullen, their heirs and assigns, are hereby authorized and empowered to keep a public ferry across the Missouri river, in the territory of Kansas, for the term of twenty-five years from and after the passage of this act ; and they shall have a landing on the west side of said river, upon the lands owned or claimed by the Wyandott City Company, or others, within the town limits.

Authorized to keep a ferry across the Missouri river.

SEC. 2. That the above named persons hereby consent, promise and agree that a good and substantial boat or boats, adapted to the wants of the public at Wyandott city aforesaid, shall be

Boat to be propelled by steam or otherwise.

kept by them or their assigns ; the said boat or boats to be properly manned, attended, and propelled by steam, horsepower, or otherwise, and kept in good repair.

Exclusive right
to ferry within
limits prescribed.

SEC. 3. The said persons herein before named, their heirs and assigns, shall have the exclusive privilege of establishing and keeping a ferry within the limits of said Wyandott city, and within one mile of the same down, and one mile and a half up the said Missouri river, on the west or Kansas side thereof, for the period of twenty-five years aforesaid ; but the said persons, their heirs and assigns, shall execute a sufficient bond, to be approved by the tribunal transacting county business for the county in which said Wyandott city is located, and shall renew the same whenever required by said tribunal, or other competent authority, conditioned that they will comply with the conditions and provisions of this act ; *Provided*, that the company hereby incorporated shall not have any right or privilege to keep a ferry, or have a landing, on the lands of any other persons, without such persons consent.

Bond to be executed.

Bond to be renewed.

Conditions and provisions.

Rates of ferriage to be fixed from year to year.

SEC. 4. The tribunal transacting county business for the county including said Wyandott city, shall, from year to year, or whenever they think proper, fix the rates of ferriage, and a list of the same shall be posted up at the landing of said ferry.

Boat to be kept in good repair.

SEC. 5. The said persons so chartered, their heirs or assigns, shall keep the said ferry and its appurtenances in good repair and condition ; and they shall be allowed a reasonable time to repair, or, in case of the loss of their boat, time to procure another.

Not required to run boat before the time specified.

SEC. 6. The said persons so chartered, their heirs and assigns, shall not be required to commence running boats on said ferry before the tenth day of April next, any thing herein to the contrary notwithstanding.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

Preamble.

WHEREAS, certain persons, their heirs and assigns, under the name and style of "Joseph C. Ransom & Company," have been authorized by an act of the legislature of the state of Missouri to establish and maintain a public ferry on the Missouri river, between the cities of Kansas and Wyandott ; therefore,

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. Joseph C. Ransom & Company are hereby authorized to establish and maintain a public ferry on the Missouri river, between the cities of Wyandott and Kansas, and shall have, use, possess and enjoy, in like manner as therein granted, all the rights, powers, privileges, franchises and immunities enumerated and contained in the act of the legislature of the state of Missouri authorizing said Joseph C. Ransom & Company to establish said ferry.

Authority to establish said ferry.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate a Ferry at the Town of Quindaro, across the Missouri River.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. Phineas Adams, John G. Pratt and H. M. Simpson, their associates, heirs, executors, administrators and assigns, shall have the right and privilege, for the period of twenty years from and after the passage of this act, of keeping and maintaining a public ferry across the Missouri river, at the present limits of the town of Quindaro, in the territory of Kansas, and no other ferry shall be established within two miles of the present limits of the town of Quindaro aforesaid; *Provided*, that the ferry landing on the west side of the Missouri river shall be restricted to and confined within the limits of said town.

Right to keep ferry.

Proviso.

SEC. 2. The said Phineas Adams, John G. Pratt and H. M. Simpson shall, at all times, keep a safe and good boat or boats in good repair, sufficient for the accommodation of all persons wishing to cross at said ferry, and shall give prompt and ready attention to passengers or teams, on all occasions and at all hours, both day and night; but persons wishing to cross at said ferry in the night may be charged double fare, as herein-after prescribed.

Safe and good boats.

SEC. 3. The tribunal transacting county business for the county of Leavenworth shall regulate the terms of ferriage.

County shall regulate ferriage.

SEC. 4. The said Phineas Adams, John G. Pratt and H. M.

Bond and security.

Simpson shall, within three months after the organization of a county court, according to law, in the county in which the town of Quindaro shall be situated, file or cause to be filed with the clerk of said court, a bond to the said court, with two or more good and sufficient securities, to be approved of by said court, in the penal sum of two thousand dollars, conditioned that they will fulfill all the duties that are imposed upon them in the foregoing sections; and in case of their failure or neglect so to do, shall forfeit all the benefits that might have accrued to them from the passage of this act.

Remedy for
injury.

SEC. 5. Any person who shall sustain an injury by the wilful negligence or default of the said Phineas Adams, John G. Pratt and H. M. Simpson, or the ferrymen in their employ, may have a remedy by an action upon the bonds required by this act.

This act shall take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to establish a Ferry at the City of Palermo, Doniphan County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Authority to
keep ferry.

SECTION 1. That F. M. Mahan and Job V. Kimber, their heirs and assigns, are hereby authorized to keep a public ferry at the city of Palermo, in Doniphan county, Kansas territory, for the term of fifteen years from and after the passage of this act.

Substantial
boat to be kept.

SEC. 2. The above named persons agree that a good and substantial boat or boats, adapted to the wants of the public at said ferry, shall be kept by them; the said boat or boats to be properly manned and attended, and to be kept in good repair; and they shall keep on hand at all times skiffs to accommodate properly the interests of the public at said ferry.

County court
shall fix rate of
ferriage.

SEC. 3. The county court of Doniphan county shall, from year to year, whenever they think proper, fix the rate of ferriage to be charged at said ferry; a list of the same shall be posted at the ferry landing, and any charge made or extorted by the said before-named persons, or their agents or employees, more than the rates fixed by said court, shall be and create a forfeiture of all their privileges under this act.

SEC. 4. The said persons before named shall have the exclusive right of establishing and keeping a ferry at and within the limits of the city of Palermo, for the period aforesaid; but the said persons aforesaid, or their assigns, shall execute sufficient bonds, to be approved by the county court of said county, and shall renew the same whenever required by said court, conditioned that they will comply with all the conditions and provisions of this act. The said bond shall be filed in the office of said court, or with the clerk thereof, and may be sued on by any person aggrieved, injured, or unnecessarily detained by said; ferry and a copy of the same, under the seal of said court, properly attested, shall be sufficient evidence of the contents of said bond, on any trial had for damages.

Exclusive right to keep ferry.

Shall execute bonds.

SEC. 5. The said persons so chartered, and their assigns, shall keep said ferry and its appurtenances in good order and repair, or, in case of the loss of a boat, to procure another.

Ferry to be kept in good order.

SEC. 6. A non-compliance with the provisions of this act shall work a forfeiture of its charter.

Non-compliance.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to charter a Ferry across the Kansas River, at Calhoun, in the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That James Kuykendall, his heirs and assigns, are hereby authorized to keep a ferry on the Kansas river, at the crossing of the same near the town of Calhoun, in Calhoun county and territory of Kansas; and shall have the exclusive privilege of keeping the same at said point, and within one mile up and down the river from the same, for and during the period of twenty years; *Provided*, that this act shall not give said Kuykendall any right to keep a ferry or have a landing on the lands of any other persons without their consent.

Authority to keep ferry.

Exclusive privilege.

Proviso.

SEC. 2. The said James Kuykendall shall keep ready for use a good boat or boats to do all the crossing at said ferry, and shall give bond, and be subject to all the laws regulating ferries now in force, or which may hereafter be made in said territory.

Good boats for crossing.

Non-compliance. SEC. 8. A non-compliance with any of the provisions of this act shall work a forfeiture of all rights under it.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to authorize Hugh Cameron to keep a Ferry.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Authority to keep ferry.

SECTION 1. That Hugh Cameron is hereby authorized to keep a ferry on the Kansas river opposite the fractional east half of section fourteen, of township twelve south, of range nineteen east of the sixth principal meridian, Kansas territory, with exclusive right and privilege, within one mile from the landing, up and down said river, for ten years, together with the privilege of landing on the north side of said river, upon the Delaware reserve ; *Provided*, that this act shall not give said Hugh Cameron any right to keep a ferry or have a landing on the lands of any other person, without their consent.

Proviso.

County tribunal to regulate ferriage.

SEC. 2. That the tribunal transacting county business in and for the county in which said ferry is situated be authorized and required to take bond, and regulate the rates of ferriage from time to time as said tribunal may deem proper.

This act is to take effect from and after the first day of February, A. D. eighteen hundred and fifty-seven.

Approved February 5th, 1857.

AN ACT to establish a Ferry on the Kansas river, at the crossing of the Territorial Road running from Bernard's store to Leavenworth city.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Right to keep ferry.

SECTION 1. That John M. Wallace, his associates, heirs, executors, administrators and assigns, shall have the exclusive right and privilege for the period of fifteen years from and after the passage of this act, of keeping and maintaining a public ferry across the Kansas river, at the present crossing of said river by the territorial road running from Bernard's store to

Leavenworth city, in the territory of Kansas, and no other ferry shall be established within one mile of the crossing aforesaid; *Provided*, that this act shall not give the said Wallace any right to keep a ferry or have a landing on the lands of any other person or persons, without their consent.

Proviso.

SEC. 2. The said John M. Wallace shall at all times keep a safe and good boat or boats in good repair, sufficient for the accommodation of all persons wishing to cross at said ferry, and shall give prompt and ready attention to passengers and teams on all occasions and at all hours, both night and day; but persons wishing to cross said ferry in the night, may be charged double fare, as hereinafter prescribed.

Boats to be kept in good repair.

SEC. 3. The said John M. Wallace and his associates shall be permitted to charge not to exceed the following rates for crossing at said ferry, until otherwise provided by law: For each foot passenger, ten cents; for each horse, mare, mule, gelding or ass, without a rider, ten cents; with a rider, twenty-five cents; for each two-horse team, loaded or unloaded, seventy-five cents; for each single horse carriage, fifty cents; for each additional cow or ox, fifteen cents; for each swine or sheep, five cents. For all freight of lumber, merchandise, or other articles, not in teams, at the following rates: For each thousand feet of lumber, one dollar per thousand feet; for all other articles, five cents. *Provided*, that said rates may be regulated by any succeeding legislative assembly.

Rates of toll.

Proviso.

SEC. 4. The said John M. Wallace, within four months after the passage of this act, shall file or cause to be filed with the clerk of the board of county commissioners of the county in which said ferry may be, a bond, with two or more good and sufficient securities, to be approved of by the board of county commissioners aforesaid, in the penal sum of one thousand dollars, conditioned that he will fulfill all and singular the duties that are imposed upon him in the foregoing sections; and in case of his failure or neglect so to do, shall forfeit all the benefits that might have accrued to him from the passage of this act.

Shall file security.

SEC. 5. Any person who shall sustain an injury by the wilful negligence of the said John M. Wallace, or any ferryman in his employ, may have a remedy by an action upon the bonds required by this act as aforesaid.

Remedy.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate a Ferry at Ogden, Kansas Territory, on the Kansas River.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Right to keep
ferry.

SECTION 1. That Robert Bates and John W. Parsons, their heirs and assigns, are hereby authorized to keep a ferry at the town of Ogden, on the Kansas river, and shall have the exclusive privilege of keeping the same at said point, and for one mile up and down from said point; *Provided*, that this act shall not give said parties any right to keep a ferry or have a landing on the lands of any other person for and during the period of fifteen years.

Proviso.

Bond.

SEC. 2. The said Bates and Parsons shall give bond to the territory conditioned that they will keep good and substantial boats, sufficient for the accommodation of the public at said ferry. Said bond to be filed with the tribunal doing county business, and may be sued upon by any person who may be injured or unnecessarily delayed at said ferry.

Rates of toll.

SEC. 3. Said Bates and Parsons shall be permitted to charge not to exceed the following rates for crossing at the above ferry, until otherwise provided by law; *Provided*, that said rates may be altered by any succeeding legislative assembly: For each foot passenger, ten cents; each person on horseback, twenty-five cents; each unharnessed animal, twenty cents; single horse and carriage, forty cents; two-horse or ox team and driver, seventy cents; each additional animal, fifteen cents; packages, fifty pounds or less, ten cents; merchandise not in teams, ten cents per hundred.

SEC. 4. Said Bates and Parsons shall keep said ferry and boats in good repair, being allowed a reasonable time, in case of loss of boat, to restore it; and a failure to comply with any of the provisions of this act shall create a forfeiture of all the privileges herein granted.

This act to take effect from and after its passage.

Approved February 10th, 1857.

AN ACT to establish a Ferry on the Kansas River.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Isaac Parrish, his heirs and assigns, be and are hereby authorized to keep a ferry on his land on the Kansas river, at the crossing of the territorial road leading from Leavenworth city to Peora, and shall have the privilege of keeping the same within three miles above or below said crossing.

Authority to keep a ferry on the Kansas river.

SEC. 2. That said Isaac Parrish, his heirs and assigns, shall keep ready for use a good substantial boat or boats, adapted to the wants of the public, at the place above designated ; the said boat or boats to be propelled by steam, properly manned and attended, and kept in good repair, unless through unavoidable accident it can not be done ; *Provided*, that said Parish may substitute a flat-boat instead of such steamboat, when the business of said ferry does not require the same.

Boat to be propelled by steam and properly manned

SEC. 3. The tribunal transacting business for the county in which such ferry is located, when organized, shall, whenever they deem it necessary, fix the rates of ferriage to be charged at said ferry, and a list of the same shall be posted at the landing, and any charge made or extorted by said Parrish or his assigns more than the rate fixed by said tribunal shall create a forfeiture of all privileges under this act.

County tribunal to fix rates of ferriage.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to establish and charter a Ferry at the mouth of Big Sugar Creek, on the Marais des Cygnes, in the Territory of Kansas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Samuel Carmack be and he is hereby authorized to keep a ferry across the Marais des Cygnes, at or near the mouth of Big Sugar creek, in the territory of Kansas, for the term of fifteen years.

Authority to keep ferry.

SEC. 2. That the said Samuel Carmack, named in the first section of this act, shall keep a good and sufficient boat or

Shall keep a good boat.

boats at all times sufficient to cross the travelling public, and shall cause the same to be well manned by good and safe hands.

Bond to be executed.

SEC. 3. That the said Samuel Carmack shall execute bond, in the county in which said ferry is situated, for the faithful performance of his duties, to be approved of by the board of commissioners for the county of Linn.

Of laws, fees, &c.

SEC. 4. He shall be subject to the laws governing ferries, and shall be allowed such fees as may be fixed and determined by the tribunal transacting county business for the county of Linn.

Violation.

SEC. 5. If the said Samuel Carmack shall violate any of the provisions of this act, he shall forfeit all the privileges granted hereby.

This act to take effect and be in force from and after its passage.

Approved January 28th, 1857.

NAVIGATION OF KANSAS RIVER.

AN ACT to encourage the Navigation of Kansas River.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Powers usually granted to corporate bodies.

SECTION 1. That Powell P. Clayton, P. Z. Taylor, James P. Downer, George F. Hill, B. F. Simmons, John W. Johnson, D. W. McCormick and R. R. Rees, and others, their successors and assigns, be and they are hereby created a body politic and corporate by the name and style of the Kansas River Navigation Company, with the usual powers and privileges granted by law to corporate bodies by the laws of the territory.

Object of charter.

SEC. 2. The object of this charter is for the purpose of employing one or more steamboats to navigate the Kansas river and its tributaries, for the conveyance of passengers, towing boats, vessels or rafts, and the transportation of merchandise or other articles.

Capital stock.

SEC. 3. The capital stock of said company shall not exceed three hundred and fifty thousand dollars.

Affairs, how governed.

SEC. 4. The affairs of said company shall be governed by such rules and regulations as their by-laws may establish, and

they may take, hold, use, possess and enjoy the fee simple or other title in and to any real estate necessary to carry out the provisions of this charter, and no more, and may sell, convey, pledge, mortgage or dispose of the same.

SEC. 5. The operations of this company shall be strictly confined to the purposes of this charter.

Operations defined.

SEC. 6. Said company shall have power to receive and hold loans, gifts, grants and donations of land, money or bonds, in any quantity, from this territory, or from any future state erected out of this territory or the United States, and may sell, convey, pledge, mortgage or otherwise dispose of said lands, moneys or bonds, or any part thereof, and apply the proceeds of the same to the purposes of this charter.

May receive loans, gifts, &c.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Kansas River Navigation Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Wm. F. Dyer, C. A. Perry, F. J. Marshall, P. M. Hodges, M. L. Young, J. C. Thompson, Samuel J. Jones, D. A. N. Grover, A. H. McDonald, and those who may be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate by the name and style of the Kansas River Navigation Company, with the powers and privileges granted to corporate bodies by law.

Corporators of the company.

SEC. 2. The object of this charter is for the purpose of employing one or more steamboats to navigate the Kansas river and its tributaries, for the conveyance of passengers, towing boats, vessels, rafts, and the transportation of goods, wares, and other articles.

Object of charter.

SEC. 3. The capital stock of said company shall not exceed three hundred and fifty thousand dollars.

Capital stock.

SEC. 4. The affairs of said company shall be governed by such rules and regulations as their by-laws may establish, and they may take, hold, use and possess and enjoy the fee simple or other title in and to any real estate necessary to carry out the provisions of this charter, and no more, and may sell, convey, pledge, mortgage or dispose of the same.

Of by-laws, &c.

Operations
confined to char-
ter.

May receive
loans, gifts, &c.,
and buy and sell
real estate.

SEC. 5. The operations of this company shall be confined to the purposes of this charter.

SEC. 6. Said company shall have power to receive and hold loans, gifts, grants and donations of land, money or bonds, in any quantity, from this territory or any future state erected out of this territory or the United States; and may sell, convey, pledge, mortgage or otherwise dispose of said lands, moneys or bonds, or any part thereof, and apply the proceeds of the same to the purposes of this charter.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.



ROADS.

AN ACT to establish a Territorial Road from the city of Lawrence to the town of Burlington, in Coffey county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Commissioners
appointed to sur-
vey, &c.

SECTION 1. That E. A. Phillips, O. E. Learnard and H. W. Fich are hereby appointed and constituted a board of commissioners, with full power to view, survey and mark out a territorial road from the city of Lawrence, by way of the Sac and Fox agency, to Burlington, in the county of Coffey, in Kansas territory.

Location of
road.

SEC. 2. Said road shall be viewed, marked out, surveyed, located and worked according to an act entitled "An act to provide for the location of territorial roads in the territory of Kansas," passed at the first session of the legislative assembly of said territory.

This act to take effect and be in force from and after its passage.

Approved February 19th, 1857.

AN ACT to locate and establish a Territorial Road from Paola to intersect the territorial road from Lecompton to Cofachique, at the town of Pierce.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That A. H. McFaddin, of Lykins county, Geo. Wilson, of Anderson county, and Hiram Howard, of Franklin county, are hereby appointed commissioners to locate a territorial road from Paola, via Pierce, at the south branch of the Potawattomie crossing, near the residence of Francis Myers, in the county of Anderson, at which point it will intersect the territorial road from Lecompton to Cofachique.

Names of commissioners to locate.

SEC. 2. That said commissioners shall receive three dollars per day each, as a compensation for their services while locating said road.

Compensation of commissioners.

This act shall take effect and be in force from and after its passage.

Approved February 10th, 1857.

AN ACT to establish a Road from the town of Olanthe, on the Santa Fe road, to the crossing of the Wakarusa, at Bluejacket's.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. John T. Barton, O. A. Osgood and Wm. H. Booth are hereby appointed commissioners to locate a territorial road from the town of Olanthe, on the Santa Fé road, on the most direct and practicable route to the crossing of the Wakarusa at Bluejacket's.

Names of commissioners.

Location of road.

SEC. 2. Said commissioners, or a majority of them, shall meet at said town of Olanthe at such time as they may agree upon, and proceed to lay out said road in accordance with the laws of this territory regulating roads and highways, and they shall receive such compensation as is by law allowed for such services.

Commissioners shall meet, &c.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to locate a Territorial Road.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Ordered to be established.

SECTION 1. That a territorial road be and is hereby ordered to be established from Ossawattomie, in the county of Lykins, on the nearest and best route to the town of Paris, in Linn county.

Commissioners appointed.

SEC. 2. That R. E. Elliott, James Driskell and Wm. King are hereby appointed commissioners to survey and mark out the same in accordance with the law in such cases made and provided.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to declare the Military Road from Fort Riley to Bent's Fort a Territorial Road.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Declared a territorial road.

SECTION 1. The road as now located and opened as a military road from Fort Riley to Bent's Fort, is hereby declared a territorial road.

To be kept open and in repair.

SEC. 2. Said road shall be kept open and in repair, as may be provided for by the laws regulating roads and highways.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to declare the Military Road from Fort Riley, north-west to the Nebraska line, a Territorial Road.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Declared a territorial road.

SECTION 1. The road as now located and opened as a military road from Fort Riley, north-west to the Nebraska line, is hereby declared a territorial road.

SEC. 2. Said road shall be kept open and in repair, as may be provided for by the laws regulating roads and highways. To be kept open and in repair.

This act to take effect and be in force from and after its passage.

Approved February 5th, 1857.

AN ACT to locate a Territorial Road from the town of Palermo westward to the town of Claytonville, in Browne county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. William Matthews, Hampton Kent and Frank M. Mahan are hereby appointed a board of commissioners to mark out and locate a territorial road from the town of Palermo, in Doniphan county, to the town of Claytonville, in Browne county, and for this purpose shall meet at such time and place as may be agreed upon by said board, or a majority of them, and shall proceed to locate said road in the manner prescribed by law. Board of commissioners; duty.

This act to take effect from and after its passage.

Approved February 19th, 1857.

AN ACT to establish a Territorial Road from Wakarusa City to Council Grove.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That a territorial road is hereby established from Wakarusa city to Brownsville, via Robert Summerwell's, thence on the nearest and most practicable route to Council Grove. Road established.

SEC. 2. That Mathew Rule, John W. Brown and A. J. Baker are hereby appointed commissioners to survey and establish said road in accordance with the act in such cases made and provided. Commissioners appointed.

This act to take effect and be in force from and after its passage.

Approved February 19th, 1857.

AN ACT to locate and establish a Territorial Road from the city of Lecompton to the county seat of Allen county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Commissioners appointed to locate.

SECTION 1. That William P. Fain, of Lecompton, James B. Davis, of Franklin county, and John Dunwoody, of Allen county, be and are hereby appointed commissioners to locate and establish a territorial road from the city of Lecompton to St. Bernard, and thence to the county seat of Franklin county ; thence to Pierce, in the county of Anderson ; thence to Shannon, the county seat of Anderson, and thence to Cofachique.

Where and when commissioners shall meet.

SEC. 2. That said commissioners shall meet in the city of Lecompton, on or before the first Monday of May, one thousand eight hundred and fifty-seven, and proceed to locate and establish said road on the nearest and best route between the points aforesaid.

Surveyors, chain bearers, &c.

SEC. 3. That the commissioners shall have power to appoint one surveyor and two chain bearers, whose duty it shall be to survey and measure said road under the direction of said commissioners ; and said surveyor shall make out a plat thereof and file the same in the office of the tribunal transacting county business in each county through which said road passes.

Any commissioner may act as surveyor.

SEC. 4. That any one of the commissioners may act as surveyor, and, in the absence or non-attendance of any one or more of the commissioners, a majority of the number appointed shall have power to appoint others, and fix the day on which they will meet ; and any one of said commissioners, in the absence of others, shall have power to adjourn from time to time until a quorum shall meet ; that each commissioner, the surveyor and chain carriers shall each receive the same fees as are allowed for such services by the general law regulating the location of territorial roads.

How the road shall be laid off.

SEC. 5. That the road shall be laid off through the prairies with a prairie plough, and be blazed through the timber.

This act to take effect and be in force from and after its passage.

Approved February 14, 1857.

AN ACT to locate a Territorial Road from Marysville in Marshall County, Kansas Territory, to Council Grove, in the County of Wise.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Daniel Chandler, Daniel Mitchell, and W. S. Brewster, be and they are hereby appointed commissioners Commissioners to locate. to locate a territorial road from Marysville, thence to Ogden, thence to Council Grove.

SEC. 2. Said commissioners shall, in the location of said road, comply with the provisions of an act entitled "An act to provide for the location of territorial roads in the territory of Kansas," which act was made and provided in chapter one hundred and forty of the acts of the territorial legislature, A. D. 1855. Duty of commissioners.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to establish a Territorial Road from opposite St. Joseph, Missouri, to St. George, in Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That a territorial road be and the same is hereby declared established from Roseport, opposite St. Joseph, Missouri, via St. George, to Council Grove. Road established.

SEC. 2. That John A. J. Chapman, Thomas C. Huffaker, and Mark Vagan, are hereby appointed commissioners Commissioners appointed. to view the same, with power to appoint a competent surveyor, chain carriers and markers.

SEC. 3. That if any of the commissioners herein named fail to comply, the remaining ones may appoint others to fill their place. Falling to act, others to be appointed.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to declare the Military Road from Fort Leavenworth to Fort Laramie a Territorial Road.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Declared a territorial road.

Penalty for obstructing, &c.

SECTION 1. The present military road from Fort Leavenworth to Fort Laramie, as far as Marysville, in the county of Marshall, passing through the counties of Leavenworth, Atchison, Browne, Nemaha, and Marshall, is hereby declared a territorial road ; and any person obstructing the said road shall be liable to indictment, and punished as prescribed for the obstruction of roads and highways in this territory, and the several counties through which said road runs shall appoint overseers thereon.

This act to take effect from and after its passage.

Approved, February 10th, 1857.

AN ACT to locate and establish a Territorial Road from the Missouri State line, at or near Fail's store, via Barnesville and Miller's store, in Bourbon County, to Cofachique, in Allen County, Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of commissioners, to view, &c.

SECTION 1. That James S. Barbee, of Allen county, Frederick Barnes and Henry Miller, of Bourbon county, be and the same are hereby appointed commissioners to view and mark out a territorial road from a point on the Missouri state line at or near Fail's store, thence to Barnesville, thence to Miller's store, thence to Cofachique.

Where and when commissioners shall meet.

SEC. 2. Said commissioners shall meet at Barnesville, in Bourbon county, on the first day in April next, or on some day that may be fixed by said commissioners as soon as convenient, and thence proceed to view and mark out the said road according to law.

Commissioners to take an oath.

SEC. 3. Said commissioners, before entering upon their duty, shall each take an oath, to be administered by some officer authorized by law to administer the same, faithfully to perform the duties assigned them by this act.

Of vacancy, how filled.

SEC. 4. Should a vacancy occur in said board of commissioner, the remaining commissioner or commissioners shall appoint some suitable person or persons to act as such.

SEC. 5. Said commissioners shall employ a surveyor and two chain carriers to accompany them, and shall cause their surveyors to make out a complete plat of said road, which shall be filed in the office of the clerk of the county courts of the respective counties through which said road may pass.

Surveyor, chain carriers, &c.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to declare a Military Road a public highway and Territorial Road.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That the present military road from Fort Leavenworth to Fort Riley is hereby declared to be a territorial road and a public highway; *Provided, however,* that where said road passes through towns or cities, it shall be confined to such street as may be determined by the tribunal transacting county business for the county in which said town or city may be located.

Declared a territorial road.

Proviso.

This act to take effect from and after its passage.

Approved February 10th, 1857.

AN ACT to establish a Territorial Road.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That a territorial road be and is hereby established from Fort Scott, by the way of St. George and the Blue River valley, to Marysville, the county seat of Marshall county.

Declared a territorial road.

SEC. 2. That John A. J. Chapman, Gardner Randolph, and Thomas Arnett, are hereby appointed commissioners to view the same, with power to appoint a competent surveyor, chain carriers and markers.

Commissioners, &c.

SEC. 3. That in case any one of the commissioners fails to perform the services required of him, the remaining ones may appoint another to fill his place.

Vacancy.

This act to take effect from and after its passage.

Approved February 10th, 1857.

AN ACT to establish a Territorial Road from the city of Lecompton, in Douglas County, by the way of the town of Clinton, in said county, to the Sac and Fox Agency, in Weller County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Road established.

SECTION 1. That a territorial road be and the same is hereby established from the city of Lecompton, in Douglas county, by the way of the town of Clinton, in said county, to the Sac and Fox agency, in Weller county, on the nearest and best route.

Commissioners appointed, &c.

SEC. 2. That Thomas D. Walton, Charles Wright, and Daniel Vancil, or a majority of them, be and they are hereby appointed commissioners to locate and establish said territorial road, under the provisions of an act of the governor and legislative assembly of the territory of Kansas, entitled "An act to provide for the location of territorial roads in the territory of Kansas."

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to establish a Territorial Road from Wyandott, via Secondine, to Lecompton.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Road established.

SECTION 1. That a territorial road be and is hereby established from Wyandott, by way of Secondine, to Lecompton.

Commissioners.

SEC. 2. That Joel U. Garrett, John D. Brown, and Wm. J. Osborn, be and are hereby appointed commissioners to survey, mark out and establish the same.

Where commissioners shall meet.

SEC. 3. That said commissioners shall meet in the council house in Wyandott, and perform the duties assigned them, agreeably to the provisions of an act entitled "An act to provide for locating territorial roads in and for the territory of Kansas."

This act to take effect and be in force from and after its passage.

Approved January 28th, 1857.

AN ACT to locate a Territorial Road from the town of Shannon, the county seat of Anderson, to the town of Hampden, in Coffey County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That George Wilson, Thomas Totten, and Anderson Copell, are appointed commissioners to locate a territorial road from and to the point specified in the heading of this act, according to an act on roads and highways.

Commissioners appointed.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to establish a Territorial Road from Leavenworth City to Peora.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Silas Armstrong, Isaac Mundy, and Isaac Parrish, are hereby appointed commissioners for the purpose of viewing and marking out a territorial road leading from Leavenworth city southward, past the head of Wolf creek, and down the divide below Wolf creek to Kaw river, at Isaac Parrish's place, about three miles above the mouth of Mill creek ; thence south, between Mill creek and Cedar creek, intersecting the Santa Fé road near the head of Cedar creek ; thence to Peora.

Commissioners appointed, &c.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to establish a Territorial Road from Doniphan to Claytonville, in Browne County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. William Sublette, James F. Forman, and J. R. Plowman, are hereby appointed commissioners to locate a territorial road from Doniphan, in Doniphan county, to Claytonville, in Browne county ; and for this purpose shall meet at such time and place as may be agreed upon by them, or a majority of

Commissioners appointed to locate, &c.

them, and shall proceed to locate said road and make the returns thereof as provided by law.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to establish a Territorial Road from the city of Kickapoo to the city of Lecompton.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Commissioners
appointed.

SECTION 1. P. M. Hodges, Washington T. Woods, and John P. Thompson, are hereby appointed commissioners for the purpose of viewing and marking out a territorial road from the city of Kickapoo to the city of Lecompton, in the territory of Kansas.

How the road
shall be worked.

SEC. 2. Said road shall be viewed, marked out, opened and worked according to an act entitled "An act to provide for the location of territorial roads in the territory of Kansas," passed the first session of the legislative assembly of said territory.

This act to take effect and be in force from and after its passage.

Approved February 10th, 1857.

AN ACT to establish a Territorial Road and highway along the valley of the Big Blue river.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Road and high-
way established.

SECTION 1. That a territorial road and highway, beginning at the town of Manhattan, in the territory of Kansas, and running thence up the valley of the Big Blue river, by the way of the towns of Torromee, Randolph, Brownsville, Marysville and Palmetto, on said river, and to connect with the road to Nebraska city, be and is hereby established.

Commissioners
appointed.

SEC. 2. Grey Taylor, of Manhattan, ——— Randolph, of Randolph, and U. S. Brewster, of Palmetto, are hereby appointed commissioners, who shall meet at the town of Marysville on the third Monday of April ensuing, or at any time after they may agree upon, for the purpose of viewing and marking out said territorial road.

SEC. 3. The said commissioners may employ a surveyor and chain carriers to survey said road, who, together with the commissioners, shall be paid for their services a reasonable compensation, not exceeding two dollars a day for each commissioner, three dollars a day for said surveyor, and one dollar per day for each chain carrier—to be paid out of the treasury of the counties of Riley and Marshall, through which respective counties the road passes.

Surveyor and
chain carriers;
salaries.

This act to take effect and be in force from and after its passage.

Approved February 5th, 1857.

AN ACT to establish a Territorial Road from Marysville, via Richmond and Claytonville, to the town of Troy.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. Albert Heed, Henry Smith and J. K. Plowman, be and they are hereby authorized and empowered to locate and mark out a territorial road from the town of Marysville, by the way of Richmond and Claytonville, to the town of Troy, in Doniphan county.

Commissioners
appointed.

SEC. 2. The said commissioners shall meet at the town of Marysville, in the county of Marshall, on the first day of April, 1857, or as soon thereafter as practicable upon any day that may be agreed upon by said commissioners, and proceed to locate said road, commencing at said town of Marysville; thence eastward, by the nearest and best route, to Richmond or the geographical centre of Nemaha county; thence east to Claytonville, on sections 15 and 22, in township 3, range 17, in Browne county; thence to Troy, the county seat of Doniphan county; thence to Wathena; thence to Roseport, opposite the city of St. Joseph.

Where and when
commissioners
shall meet.

SEC. 3. If a vacancy should occur in said board of commissioners, the remaining commissioner or commissioners shall have power to fill said vacancy.

In case of va-
cancy.

SEC. 4. The commissioners appointed by this act shall be governed in the location of said road, by an act entitled "An act to provide for the location of territorial roads in the territory of Kansas."

How commis-
sioners shall be
governed.

This act to take effect from and after its passage.

Approved February 20th, 1857.

AN ACT to establish a Territorial Road from St. Mary's Mission to Fort Riley.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Commissioners appointed to locate, &c.

SECTION 1. That A. J. Mead, of Manhattan, C. R. Mobley, of Ogden, and M. Chapman, of St. George, be and are hereby appointed commissioners to locate and establish a territorial road on the nearest and best route from some point on the military road near St. Mary's Mission, in Calhoun county, to Fort Riley, in Riley county, by the way of St. George, Manhattan, mouth of Wild Cat creek, and the town of Ogden.

Or calling a meeting.

SEC. 2. That A. J. Mead is hereby authorized to call a meeting of said commissioners at some central point on said route, at an early day, and the commissioners shall thereupon proceed to locate and establish said road according to the provisions of an act entitled "An act to lay out territorial roads."

Powers of commissioners.

SEC. 3. That the above named commissioners shall have power to fill any vacancy that may occur in their own board.

When to be established.

SEC. 4. That said road shall be located and established prior to the first day of June, 1857.

This act to take effect and be in force from and after its passage.

Approved February 5th, 1857.

AN ACT to locate a Territorial Road from Council City to the town of Columbia, in Breckenridge county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Road established.

SECTION 1. That a territorial road is hereby established from Council city to the town of Columbia, in Breckenridge county, in the territory of Kansas.

Commissioners appointed.

SEC. 2. That Jefferson Pigman, Charles Johnson, and Joseph Moon, be and the same are hereby appointed commissioners to view, mark, and lay out and establish said road, in accordance with the provisions of the general law heretofore passed upon the subject of roads.

Best route to be selected.

SEC. 3. The road to be laid out on the nearest and best route.

This act to take effect and be in force from and after its passage.

Approved February 5th, 1857.

AN ACT to view and locate a Territorial Road from Lecompton to Roseport, in Doniphan county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Jesse Brown, Milton E. Bryan, and Hampton Johnson, be and are hereby appointed commissioners to locate and establish a territorial road from the city of Lecompton to Roseport, in Doniphan county.

Commissioners appointed, &c.

SEC. 2. Said commissioners shall meet at the house of Milton E. Bryan, in Wathena, on or before the first day of May, A. D., 1857, or as near that time as practicable, and proceed to locate and establish said road agreeably to the provisions of an act entitled "An act to provide for locating territorial roads in and for the territory of Kansas."

Where and when commissioners shall meet.

SEC. 3. That said commissioners are hereby required if any territorial road has or may be located in the direction of this contemplated road, to locate the same upon the same ground, so far as practicable.

Requirement of commissioners.

SEC. 4. In case of refusal to serve, or otherwise detained from said service, on the part of either of said commissioners above appointed, the remaining commissioner or commissioners shall have power to fill such vacancy or vacancies.

In case of refusal, &c.

This act to take effect and be in force from and after its passage.

Approved, February 5th, 1857.

AN ACT to establish a Territorial Road from Leavenworth to Lecompton, diverging to Lawrence.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That William Tanner, Charles Starnes and Joseph L. McAleer, of Leavenworth county, be and they are hereby appointed commissioners to locate and establish a territorial road from the city of Leavenworth to the city of Lecompton, with a branch diverging at some practicable point to the city of Lawrence, which said road, with the branch thereof, shall

Commissioners appointed.

pursue the most direct and practicable route from the starting point to the several points of termination aforesaid.

Where commissioners shall meet.

SEC. 2. The said commissioners shall meet at the city of Leavenworth at such time as they or any two of them may agree upon, and proceed to locate and establish said road, and to that end may, in their discretion, call to their assistance a surveyor and chain carrier if deemed necessary; and such commissioners, or any one or more of them, may supply any vacancy in their own body.

Commissioners shall report, &c.

SEC. 3. The said commissioners shall report their proceedings to the several counties of Leavenworth and Jefferson, and in all things comply with the provisions of "An act to provide for the location of territorial roads in the territory of Kansas."

This act to take effect and be in force from and after its passage.

Approved February 10th, 1857.

AN ACT to establish a Territorial Road from Atchison, via Mount Pleasant, to a point on the Kansas river opposite the town of Leecompton.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Commissioners appointed.

SECTION 1. That John P. Thompson, Franklin Finch and Eli C. Mason, of the territory of Kansas, be and are hereby appointed commissioners to locate and establish a territorial road from the town of Atchison, Kansas territory, via Mount Pleasant, to a point on the Kansas river opposite Leecompton.

Where and when commissioners shall meet, &c.

SEC. 2. That the said commissioners shall meet at the town of Atchison, on the first Monday in May, eighteen hundred and fifty-seven, or as soon thereafter as practicable, and proceed to locate and establish said road agreeably to the provisions of "An act entitled an act to provide for locating territorial roads in and for the territory of Kansas."

This act to take effect and be in force from and after its passage.

Approved January 28th, 1857.

AN ACT to locate a Territorial Road from the town of Lecompton, via Paola, Paris, and Miami, to Barnesville, on Little Osage, in Bourbon county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That M. D. Osburn, of Linn county, and — Bradford, of Lykins county, and C. S. Fleming, of Linn county, be and the same are hereby appointed commissioners to view and mark out a territorial road from the town of Lecompton, in Douglas county; thence on the most direct route to Paola, in Lykins county; thence on the most direct route to Miami, in Lykins county; thence to Paris, in Linn county; thence to Barnesville, in Bourbon county, to intersect the military road that runs from Fort Leavenworth to Fort Scott.

Commissioners appointed.

SEC. 2. Said commissioners shall meet in the town of Paola, in Lykins county, on the first day of April next, or on some day that may be fixed by said commissioners as soon as convenient, and then proceed to view and mark out the said road according to law.

Where and when they shall meet.

SEC. 3. Said commissioners, before entering upon their duty, shall each take an oath, to be administered by some officer authorized by law to administer the same, faithfully to perform the duties assigned them by this act.

Must take an oath.

SEC. 4. Should a vacancy occur in said board of commissioners, the remaining commissioner or commissioners shall appoint some suitable person or persons to act as such.

In case of vacancy.

SEC. 5. Said commissioners shall employ a surveyor and two chain carriers to accompany them; and shall cause their surveyor to make out a complete plat of said road, which shall be filed in the office of the clerk of the county courts of the respective counties through which said road may pass.

Of surveyor and chain carriers.

This act to take effect and be in force from and after its passage.

Approved February 5th, 1857.

AN ACT to locate a Territorial Road from Palermo to Fort Riley.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Daniel J. Fulton, William Deckard and

Commissioners appointed.

Charles Wakeman be and are hereby appointed commissioners to lay out and establish a territorial road from the city of Palermo, on the nearest and best route, to Fort Riley.

Where and when
they shall meet.

SEC. 2. Said commissioners shall meet at the Palermo hotel, in said city, on the first Monday in May, one thousand eight hundred and fifty-seven, or as soon thereafter as practicable, and proceed to view and locate said road according to law.

In case of va-
cancy.

SEC. 3. If a vacancy occur in the board of commissioners, the remaining commissioner or commissioners shall fill the same by the appointment of some suitable person or persons to fill such vacancy.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to establish and lay out a Territorial Road from Paola to Centerville.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Commissioners
appointed.

SECTION 1. That J. E. Means, A. H. Smith and J. N. Jackson be and are hereby appointed commissioners to locate and establish a territorial road from Paola to Centerville, by way of Ossawatimie and Judge Doan's.

Where and when
they shall meet.

SEC. 2. Said commissioners shall meet at the house of Brisco Davis, on or before the first day of July next, or as soon thereafter as practicable, to locate and establish said road agreeably to the provisions of an act entitled "An act to provide for locating territorial roads in and for the territory of Kansas.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to establish a Territorial Road from the Town of Atchison to the City of Leocompton, via Wigglesworth's Ford on Stranger Creek.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Commissioners
appointed.

SECTION 1. James H. Wigglesworth, Quarles Garner and John Roathwell are hereby appointed commissioners to lay out and establish a territorial road from the town of Atchison to the

city of Leocompton, via Wigglesworth's ford on Stranger creek.

SEC. 2. Said commissioners shall meet at the court-house, in the town of Atchison, on the third Monday in May next, or as soon thereafter as practicable, and proceed to locate and establish said road agreeably to the provisions of an act entitled "An act to provide for locating territorial roads in and for the territory of Kansas."

Where and when they shall meet.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to establish a Territorial Road from Lodiiana to a point opposite St. Joseph, Missouri, by the way of the City of Palermo.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That F. M. Mahan, John Stairwalt and Edgar Rhodes be and are hereby appointed road commissioners, whose duty it shall be to meet at the Palermo hotel, in the city of Palermo, on the first Monday in June, one thousand eight hundred and fifty-seven, and thence proceed to view and mark out a territorial road, commencing at the town of Lodiiana, in Browne county, thence to the city of Palermo, thence to a point opposite St. Joseph, Missouri.

Commissioners appointed.

SEC. 2. If any vacancy occur in the board of commissioners, the remaining commissioner or commissioners shall fill such vacancy by appointing some suitable person or persons.

In case of vacancy.

SEC. 3. If the commissioners, as provided for in section one, do not meet on the day above named, they shall meet as soon thereafter as practicable, and shall proceed to locate said road according to the general law.

Meeting of commissioners.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to locate a Territorial Road from Prairie City to the town of Leocompton.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That P. L. Doane, Matthew Rule, and James

Commissioners appointed.

When and where
they shall meet.

In case of va-
cancy.

Surveyor, chain-
men, &c.

Compensation.

Reece, are hereby appointed commissioners to view and mark out a territorial road from Prairie city to the town of Leocompton. Said commissioners shall meet for this purpose at Prairie city, on the first day of November next, or on some subsequent day, to be agreed upon by a majority of their number, or on any previous day, if agreed upon by all. If a vacancy occur in the board of commissioners, the remaining commissioners shall fill the same by the appointment of some suitable person or persons to fill such vacancy. Said commissioners shall have power to appoint one surveyor and two chainmen, with such other assistants as said commissioners may deem necessary. Said commissioners shall receive three dollars per day each, and the surveyor and others to receive per diem as is prescribed by law, for the time they may have been engaged on said road.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to locate and establish a Territorial Road from Doniphan to the Kansas and Nebraska line, opposite Ray's Ferry, via Iowa Point, Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Commissioners
appointed to lo-
cate, &c.

SECTION 1. That James F. Forman, Charles Blakely and S. G. Fish be and are hereby appointed road commissioners, whose duty it shall be to locate and establish a territorial road from Doniphan to the Kansas and Nebraska line, opposite Ray's ferry across the Great Nemaha river, by way of Iowa Point.

To be located in
conformity to an
act to locate ter-
ritorial roads.

SEC. 2. Said commissioners shall cause the said road to be located and established in strict conformity to the provisions of an "Act to locate and establish territorial roads in the territory of Kansas."

This act to take effect and be in force from and after its passage.

Approved February 5th, 1857.

AN ACT to establish a Territorial Road from the town of Atchison to Vermillion city.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That N. J. Ireland, J. P. Thompson and Isaac Hascall, of the territory of Kansas, be and they are hereby appointed commissioners to locate and establish a territorial road from the town of Atchison, on or as near as may be the first standard parallel line, to the town of Vermillion city, in Marshall county, in Kansas territory. Commissioners appointed.

SEC. 2. That the said commissioners shall meet at the town of Atchison, on the first Monday of June, A. D. one thousand eight hundred and fifty-seven, or as soon thereafter as practicable, and proceed to locate and establish said road agreeably to the provisions of "An act to provide for locating territorial roads in and for the territory of Kansas." Where and when they shall meet.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT establishing a Territorial Road from the city of Lecompton to the town of Richmond, in the county of Nemaha, and to other points.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. Alexander Bayne, James M. Kuykendall, and John D. Farrow, be and they are hereby appointed road commissioners, whose duty it shall be to meet in the city of Lecompton, on the first Monday in May next; and thence proceed to view and mark out a territorial road, commencing at the city of Lecompton; from thence, crossing the river, and running up its valley to Calhoun and there forking, the left hand fork running a west course, and intersecting the military road from Leavenworth to Fort Riley, on the west of Indianola, and the right-hand running a north-west direction, by the way of Elk city, to Richmond, the county seat of Nemaha county. Commissioners appointed.

SEC. 2. Said commissioners, before entering on their duties assigned by this act, shall severally take an oath before some Of oaths.

officer authorized to administer oaths, faithfully to perform the duties assigned them.

In case of vacancy.

SEC. 3. If a vacancy happens in said board, the remaining member or members of said board shall have power to fill said vacancy; *and provided, further*, that if said board fails to meet on the day herein designated, they may meet on any subsequent day that may be agreed upon by them.

Of location.

SEC. 4. Said commissioners, in the location of said road, shall be governed by the laws of the territory in relation to the location of territorial roads.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to establish a Territorial Road from the city of Atchison to the town of Doniphan.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Commissioners appointed.

SECTION 1. That James F. Forman, William C. McVay, and Clark W. Hubbard, be and they are hereby appointed commissioners to locate a territorial road from the city of Atchison to the town of Doniphan, by Joseph Bettie's ford, on Independence creek.

Where they shall meet, &c.

SEC. 2. Said commissioners, or a majority of them, shall meet at the town of Doniphan, at such time as they may agree upon, not to exceed four months from the passage of this act, and proceed to lay out said road in accordance with the laws of this territory regulating roads and highways, and they shall receive such compensation as is by law allowed for such services.

Compensation.

This act shall take effect and be in force from and after its passage.

Approved February 19th, 1857.

RAILROADS.

AN ACT to incorporate the Grand Central Gulf Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That J. W. Geary, S. J. Jones, W. H. Russell, J. A. Halderman, J. H. H. Chapman, P. T. Abell, John Calhoun, Richard R. Rees, F. J. Marshall, A. M. Coffey, Thos. Johnson, J. W. Forman, H. J. Strickler, B. Brantley, W. H. Jenkins, W. H. Tebbs, D. J. Johnson, W. G. Mathias, J. W. Martin, T. W. Waterson, B. O'Driscoll, J. P. Carr, W. Young, C. O. Dolman, James Kuykendall, Russell Garrett, J. C. Anderson, J. C. Thompson, C. S. McKinney, W. A. M. Vaughan, B. F. Simmons, W. W. Spratt, J. M. Bernard, J. P. Fox, Alfred Laws, with such other persons as may associate with them for that purpose, are hereby incorporated a body politic and corporate by the name of the "Central Gulf Railroad Company," and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and equity, in all courts and places ; may make and use a common seal, and alter and renew the same ; be capable of contracting and being contracted with, and are hereby invested with all powers, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this act.

Names of corporators of company.

Powers.

SEC. 2. The said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, from such point on the northern to such point on the southern boundary of Kansas as may be deemed most advisable by the aforesaid corporators, with the privilege of making such branches as may be deemed advisable to the interests of this company, and with the right to all other companies, running east and west, to connect with this company at such points as may be deemed advisable by such railroad companies.

Company authorized to survey, locate, &c.

SEC. 3. This company, or such representatives as they may designate, may coöperate with commissioners or representatives appointed on behalf of Texas, the United States, Nebraska, and other places, so as to secure united effort in the accomplishment of this design.

Company may co-operate with commissioners.

Shall have right
of way.

SEC. 4. The said company are hereby authorized, and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land, not exceeding one hundred feet in width, through its entire length, upon such route as may be determined; and, for the purposes of depots, side-tracks, cuttings and embankments, for building engine houses and shops, or wood and water stations, may take more land, earth, or material, as may be necessary for the construction or completion, operation, preserving and maintaining said road.

Certain lands
granted to rail-
roads.

SEC. 5. All such lands, material, and privileges, belonging to this territory, or state hereafter, are hereby granted to such company for the purposes named in the previous sections of this act, and may construct said road on or across other railroads, common roads, rivers or streams, which it may intersect; but said company shall restore said railroad, common road, rivers or streams thus intersected in sufficient manner not to materially impair its usefulness.

Capital stock of
company.

SEC. 6. The capital stock of said corporation shall be ten millions of dollars, which may be increased from time to time to any sum not exceeding the amount expended on account of said road, divided into shares of fifty dollars each, which shall be deemed personal property, issued and transferred as may be ordered by the directors or laws of said company.

All corporate
powers vested in a
board of directors.

SEC. 7. All the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of thirteen persons, stockholders, at least three of whom shall be citizens of Kansas, who shall be chosen annually by the stockholders, each share having one vote by person or proxy, and continue in office until their successors are elected and qualified; vacancy in the board may be filled by a vote of two-thirds of the remaining directors.

President and
directors may ex-
ecute powers
granted.

SEC. 8. The president and directors, for the time being, are hereby empowered, or their officers or agents, to execute all the powers herein granted for the purpose of surveying, locating, constructing and operating said railroad and branches, and for transporting of persons, goods and merchandise, and authority for the control and management of the affairs as may be necessary to carry into effect the intent of this act.

Power to estab-
lish by-laws,
rules, &c.

SEC. 9. The said company shall have power to make, ordain and establish such by-laws, rules and regulations deemed ex-

pedient for the objects and interests of the company, provided they do not conflict with the laws of the United States or of the organic act. They shall have power to establish such rates for transportation and collect the same, and matters and things respecting the use of said road, the transportation of persons or property, as may be necessary.

SEC. 10. It may be lawful for said railroad company, their agent or engineer, for the purpose of exploring, surveying or locating said road, to enter upon any land, doing no unnecessary damage, without the consent of the owner, and may acquire by release, donation, or otherwise, any lands, and may hold the same or convey to others, or use the same in any manner deemed for the interests of said company.

May enter upon lands for the purpose of exploring.

SEC. 11. If said company can not obtain the right of way by purchase or otherwise, or if the owners refuse to agree upon the terms, or where the owner is unknown, non-resident, idiot, or under age, either party may make application to the judge of the district court where the lands are situated, upon notice posted ten days in some public place, asking the appointment of commissioners to appraise the damages to the lands required for the purpose of the road.

If the right of way cannot be obtained by purchase, &c.

SEC. 12. Upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking into consideration the advantages as well as any injury to the parties interested in such lands; said commissioners shall, by public notice, appoint a time and place, and may adjourn, if necessary, for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and under oath impartially and justly to appraise the lands necessary for the use of said company, and faithfully perform the duty to the best of their judgment and ability. They, or a majority of them, shall make up and sign the awards to the parties, embracing a description of the lands, and make a return of their doings to the judge of the district court. The commissioners making such appraisal shall be entitled to pay for their services of three dollars per day and ordinary travelling expenses, which shall be paid by said company.

Judge shall appoint commissioners for appraisal.

Awards to be signed by commissioners.

Pay of commissioners.

SEC. 13. If either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award is made known, by giving notice to that effect to the opposite party, otherwise both parties shall be bound by the award, and the

Parties aggrieved by appraisal may appeal.

amount shall be paid upon application of the person entitled to receive the same. In case of appeal, a bond shall be filed for the costs in court, to be paid by the party who shall be entitled to pay the same as determined by the court aforesaid.

In case of appeal company may occupy. &c.

SEC. 14. In case of appeal or disagreement in regard to the damages, the railroad company may occupy, for the purpose of construction of the road, by giving satisfactory security to the judge of said court for the ultimate payment of the damages so determined.

Punishment for those who shall obstruct workmen or trains.

SEC. 15. If any person shall carelessly, wilfully or maliciously hinder, delay or obstruct the workmen, or the passage of trains, or shall place any obstruction on the track, or in any manner injure or destroy any tools, cars or other property of said railroad, or pertaining to it, or aid or abet any persons in the commission of such trespass, all such persons shall forfeit and pay said company, agents and servants, treble the damages as shall be proven by any court, and shall be liable to indictment and imprisonment for a term not exceeding five years, in the discretion of the court who shall try the same.

Map and profile to be made.

SEC. 16. Said corporation shall, within a reasonable time after said road or branches are definitely located, cause a map and profile to be made of the route of said road, and file the same in the office of the secretary of the territory.

When the company may be organized.

SEC. 17. When fifty thousand dollars shall have been subscribed to the capital stock and ten per centum actually paid to the grantees herein named, and a certificate from a majority of them, duly authenticated, filed in the office of the secretary of the territory, they are authorized to organize the company and open books for further subscriptions, requiring payments or instalments from time to time; and in case of refusal or neglect on the part of stockholders to make payment as required, the shares of such delinquents may, after thirty days' public notice, be sold at auction, and the surplus, if any, deducting payments and interest, to be paid to each stockholder.

When citizens wish to take stock.

SEC. 18. When the citizens of any county or city of this territory are desirous of subscribing to the stock of said company, the citizens of such city or county are authorized to purchase, subscribe or hold shares, not exceeding one hundred thousand dollars in amount, as shall be determined by the county court or common council, making such subscription in all respects as stock owned by individuals; and such railroad com-

pany may dispose of bonds issued for such stock by such county or city upon such terms as may be necessary.

SEC. 19. Subscriptions to the stock of said company may be made in land in the same manner as in cash, and said company are hereby authorized to hold, purchase and convey the same as they may deem for their interest.

Subscriptions made in land the same as in cash.

SEC. 20. The company are hereby authorized to issue bonds upon their roads, or hold and sell the same in such amounts, upon such terms above or below par, and at such rates of interest as may be determined, which shall be binding upon the parties interested.

Authority to issue bonds.

SEC. 21. Said company shall commence the construction of said road within six years after the passage of this act, and shall complete the same within twenty years thereafter.

Commencement and completion of road.

SEC. 22. This company shall have the power to make such contracts and agreements with other railroads which connect with or intersect the same, as may be mutually agreed upon by the parties, and shall be empowered to consolidate their property stock with each other; said articles of consolidation to be filed in the office of the secretary of this territory.

Power to make contracts with other roads.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Marysville or Palmetto and Roseport Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. A company is hereby incorporated called the Marysville or Palmetto and Roseport Railroad Company, the capital stock of which shall be five millions of dollars, to be divided into shares of one hundred dollars each, the holders of which, their successors and assigns, shall constitute a body corporate and politic, and by the name aforesaid shall have continual succession, may sue and be sued, plead and be impleaded, defend and be defended against, and may make and use a common seal, and shall be able in law and in equity to make contracts; may take, hold, use, possess and enjoy the fee simple or other title in and to any real estate, and may sell and dispose of the same; may make by-laws, rules and regulations

Railroad incorporated.

Powers.

By-laws.

proper for carrying into effect the provisions of this act, not repugnant to the constitution or laws of the United States, or of this territory, and shall have the usual and necessary powers of companies for such purposes.

Names of directors.

SEC. 2. Robert M. Stewart, W. P. Richardson, F. J. Marshall, Richard Rose, Bela M. Hughes, John W. Forman, Willard P. Hall, A. M. Mitchell, Reuben Middleton, R. H. Jenkins, Fred. W. Smith, George S. Hall, and W. S. Brewster, shall constitute the first board of directors under this act, and shall hold their offices until their successors shall be qualified; they shall meet at such time as shall be designated by a majority of

Organization.

them and organize as a board of directors, and, when organized, they shall cause books to be opened for subscription to the capital stock of said company, at such times and places as they or any five of them may designate, under the supervision of such person or persons as they may appoint, and may continue them open so long as they may deem proper; and may re-open such books, when necessary, until the whole stock shall be subscribed.

Subscription books.

When five hundred shares shall be subscribed.

SEC. 3. So soon as five hundred shares shall be subscribed, the directors shall cause an election to be held for not less than five or more than nine directors, at such time and place as they may appoint, and give notice by publication in three newspapers published in this territory.

Election of directors.

SEC. 4. An election for directors shall be held on the second Tuesday of October in each year, and if not held on that day, an election may be held at any other time that the directors may designate; the election shall be held under the supervision of one or more stockholders, and the persons receiving the highest number of votes shall be elected, and shall continue in office till their successors be qualified. Every stockholder shall be entitled to one vote for each share held by him, and he may vote by proxy. Soon after their election, the directors shall meet and elect one of their number president, who shall hold his office for the term for which he was elected director, and until his successor shall be qualified.

Election of president.

Duties of directors.

SEC. 5. The directors shall appoint agents, clerks, engineers, superintendents, and other officers and servants for said company; shall keep a journal of their proceedings, and cause correct books and accounts to be kept; they may determine by by-laws what number of directors shall constitute a quorum, and may appoint committees and fill all vacancies in any office

under said company ; they shall fix the salaries of the president and the officers and agents, but no director shall receive any compensation for his services as such ; they may take security from their officers and agents, and may adopt such measures and do such acts as may be best calculated to promote the prosperity and usefulness of said company.

SEC. 6. The directors shall make and advertise calls for the payment of the capital stock at such times, and in such manner, as they may deem proper ; and if any stockholder shall fail to pay such requisition within ten days after the appointed time, the said company may recover the same with interest, and, if not collected, may declare the stock forfeited and sell the same ; and no delinquent stockholder shall vote in said company.

Of payment of
subscription.

SEC. 7. The company shall have full power to survey, mark, locate and construct a railroad from Marysville or Palmetto city to Roseport, in the territory of Kansas, so as to connect with the Hannibal and St. Joseph railroad ; and for that purpose may hold a strip of land not exceeding one hundred feet wide, and may also hold sufficient land for the construction of depots, warehouses and water stations, and may select such route within the valley, or ravine, and may extend branch railroads to any point in any counties in which said road may be located.

Powers of com-
pany.

SEC. 8. Said company may take voluntary relinquishments of the right of way for said road, and the necessary water stations and depots ; and if the land through which such road shall pass shall belong to minors, in whole or in part, the guardian or curator of such minors shall have power to convey to said company so much of the land as may be necessary for the purposes aforesaid, on fair and equitable terms ; but every such conveyance by a guardian shall be subject to the approval or rejection of the probate or county court in which such guardianship is pending.

Receiving right
of way from prop-
erty holders.

SEC. 9. Any company shall have power, by themselves or agents, to enter and take from any land in the neighborhood of the line of their railroad, earth, gravel, stone, wood, water or other material necessary for the construction or operation of said road ; also, for the purpose of depositing thereon earth, stone, gravel, coal, wood, &c. ; and, for the purpose of procuring water for their uses, may lay pipes, erect pumps, dams and reservoirs, and maintain and keep the same in repair, paying, if the owners of said lands and the said company can

May take grav-
el, earth, &c.,
from lands adja-
cent.

agree, the damages they shall do to said lands or its appurtenances; and if the parties can not agree, the damages will be decided and paid for as hereafter provided.

If a person refuses to relinquish right of way.

SEC. 10. If any owner of any tract of land through which said railroad shall pass, shall refuse to relinquish the right of way for said road for said company, or if the persons be infants or persons of unsound mind, or non-residents of the territory, the facts of the case shall be specifically stated to the judge of the district or probate court of the county in which such lands or materials are situated, and said judge shall appoint three disinterested citizens of the county to view said lands and materials, who shall take into consideration the value of the land, earth, grave., stone, wood, or other material necessary for the construction of said road, and the advantages and disadvantages of the road to the same, and shall report under oath what damages will be done to said land or any improvement thereon, stating the amount of the damages assessed, and shall return a plat of the land thus condemned; notice of such application to such judge shall be given to the owner of such land and materials five days before the making of the application, if such owner reside in this territory, or to his guardian; and if such owner be a non-resident of this territory, he may be served with actual notice, or by an advertisement for four weeks in some newspaper.

Appraisers appointed.

Notice served, when.

When the assessors shall file their report.

SEC. 11. The persons appointed to view and value such lands and materials shall file their report and plat in the office of the clerk of the district or probate court in which the land, or part thereof, is situated; and if no valid objections be made to said report, the court shall enter judgment against said company for the amount of damages so assessed, and shall make an order vesting in said company the fee simple title of the land in such plat and report described. Objections to such report must be filed within ten days after the same shall be filed, which objections shall be examined by said judge in term time or vacation; and he may hear testimony and by judgment confirm said report, or may set the same aside and appoint three other viewers, who shall proceed in the same manner, and make their report until a report shall be confirmed. In all such cases the court shall have power to make such orders, and take such other steps, as will promote the ends of justice between the owners of such land and materials and the said company.

Objections filed.

Judge's duties.

SEC. 12. Said company may build said road along or across

any territorial or county road, or the streets or wharves of any town or city, and over any stream or highway; but whenever said railroad shall cross any territorial or county road, said company shall keep good and sufficient causeways, or other adequate facilities for crossing the same; and said railroad shall not be so constructed as to prevent the public from using any road, street, or highway, along or across which it may pass; and when said railroad shall be built across any navigable stream, said company shall erect a bridge sufficiently high on which to cross, or shall construct a draw-bridge, so that in no case shall the free navigation of such stream be obstructed.

Railroad shall not obstruct roads or navigation.

SEC. 13. Said company shall commence the construction of said road within seven years and shall complete the same in ten years thereafter, and said company shall have general power to use, manage, control, and enjoy said railroad; shall determine what kind of carriages shall be used thereon, and by whom and in what manner; and shall determine the terms, conditions and manner in which merchandise, property and passengers shall be transported thereon; and shall have power to construct and keep such turn-outs, gates, bridges, culverts, toll houses, depots and warehouses, causeways, and other buildings, machinery and fixtures, as may be necessary.

Time of commencing road.

Privileges of company.

SEC. 14. Dividends of the profits of said company shall be made annually, or oftener, if necessary; but the directors may reserve or set apart a portion of the profits as a contingent fund to meet expenditures and losses.

Dividends.

SEC. 15. At any annual meeting of said company, the directors shall make to the stockholders an exhibit of the affairs and condition of the company; one-seventh part of the interest of all the stockholders may call a meeting by giving four weeks' notice in one newspaper printed in the territory.

Annual report of directors.

SEC. 16. When said road shall be completed, the company shall file a plat thereof in the office of the secretary of the territory (or state, as the case may be), and the legislature may, at any time, require a statement from the company as to the progress of work, the amount of business, and the receipts of the company; and the books and accounts may, at any time, be investigated by a committee appointed by the legislative assembly.

Plat of road shall be filed.

SEC. 17. When any person shall cease to be a stockholder, he shall cease to be a member of said company.

A person ceasing to be a stockholder.

SEC. 18. If any person shall wilfully injure, obstruct, or

Any person injuring the road in any way.

destroy said railroad, or shall break, destroy or deface any work, edifice, or other fixture or improvement belonging to said company, he shall be considered guilty of a criminal offence, and shall be punished in such manner as shall be prescribed by law, and shall also be liable to said company for all damages by it sustained.

Operations of company limited.

SEC. 19. The operations of said company shall be confined to the general business of locating, constructing, managing and using said road, and the acts necessary or proper to carry the same into complete and successful operation, and for such purposes and no other. Said company shall have power to extend their capital, receive loans, grants and donations of land, money or bonds, in any quantity, from this territory, or from the United States; and may sell, convey, pledge, mortgage, or otherwise dispose of said lands, or any part thereof, and apply the proceeds to the construction of said road and branches for the benefit of said company.

May sell, &c., any lands.

Sec. 13 of art. 1, does not apply to this act

SEC. 20. That so much of the provisions of sections thirteen of article first of an act entitled "An act concerning corporations," as relates to stocks owned by incorporated companies, shall not apply to this act.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Atchison and Fort Riley Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporations of company.

SECTION 1. Peter T. Abell, John H. Stringfellow, Michael Doyle, John H. Blassingame, L. D. Bird, Junius T. Hereford, A. J. G. Westbrook, John Simonds, with such other persons as may associate with them for that purpose, are hereby incorporated a body politic and corporate by the name of the "Atchison and Fort Riley Railroad Company," and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and equity, in all courts and places; may make and use a common seal, and alter or renew the same at pleasure; be capable of contracting and being contracted with, and are hereby invested with all the powers, privileges and immu-

Powers.

nities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this act.

SEC. 2. The said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, from the town of Atchison to Fort Riley.

Company authorized to survey, locate, &c.

SEC. 3. The said company are hereby authorized and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land, not exceeding one hundred feet in width, through its entire length, upon such route as may be determined, and, for the purposes of depots, side tracks, cuttings and embankments for building engine houses and shops, or wood and water stations, may take more land, earth or material as may be necessary for the construction or completion, operation, preserving and maintaining said road.

The right of way, &c.

SEC. 4. All such lands, materials and privileges belonging to this territory, or state hereafter, as are mentioned in the preceding section, are hereby granted to such company for the purpose named in the previous section; and may construct said road on or across other railroads, common roads, rivers, or streams which it may intersect; but said company shall restore said railroad, common road, river or stream, thus intersected, in sufficient manner not to materially impair its usefulness.

Lands, &c., granted to such railroad.

SEC. 5. The capital stock of said corporation shall be one million of dollars, which may be increased from time to time to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, and issued and transferred as may be ordered by the directors or laws of said company.

Amount of capital stock, &c.

SEC. 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of thirteen persons, stockholders, at least three of whom shall be residents of Kansas, who shall be chosen annually by the stockholders, each share having one vote by person or proxy, and continue in office until their successors are elected and qualified. Vacancies in the board may be filled by a vote of two-thirds of the remaining directors.

All corporate powers vested in a board of directors, &c.

SEC. 7. The president and directors, for the time being, are hereby empowered, or their officers or agents, to execute all the

President and directors, &c., to execute all powers granted, &c.

powers herein granted for the purpose of surveying, locating, constructing and operating said railroad and branches, and for transportation of persons, goods and merchandise, and authority for the control and management of the affairs, as may be necessary to carry into effect the intent of this act.

Company has power to make by-laws, &c.

Proviso.

Transportation, &c.

What may be lawful for the purpose of exploring, &c.

What the company may do if they can not obtain right of way, &c.

Disinterested persons to act as commissioners for appraisal, &c.

Awards, &c.

SEC. 8. The said company shall have power to make, ordain and establish such by-laws and regulations deemed expedient for the objects and interests of the said company; *Provided*, they be not inconsistent with the laws of the United States or of this territory. They shall have power to establish such rates for transportation and collect the same, and matters and things respecting the use of said road, and the transportation of persons or property, as may be necessary.

SEC. 9. It may be lawful for said railroad company, their agent or engineer, for the purpose of exploring, surveying or locating said road, to enter upon any land, doing no unnecessary damage, without the consent of the owner; and may acquire by release, donation or otherwise, any lands, and may hold the same or convey to others, or use the same in any manner deemed for the interest of said company.

SEC. 10. If said company can not obtain the right of way by purchase or otherwise, if the owners refuse to agree upon terms, or when the owner is unknown, non-resident, idiot, or under age, either party may make application to the judge of the probate court where the lands are situated, upon notice posted ten days in some public place, asking the appointment of commissioners to appraise the damage to the lands required for the purpose of the road.

SEC. 11. Upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking into consideration the advantages as well as any injury to the parties interested in such lands. Said commissioners shall, by public notice, appoint a time and place, and may adjourn, if necessary, for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and under oath impartially and justly to appraise the lands necessary for the use of said company, and faithfully perform the duty to the best of their judgment and ability. They, or a majority of them, shall make up and sign the awards to the parties, embracing a description of the lands and amount of damages to each, and make a return of their doings to the judge of the probate

court. The commissioners making such appraisal shall be entitled to pay for their services, three dollars per day, and ordinary travelling expenses, which shall be paid by said company.

Pay of commissioners

SEC. 12. If either party feel aggrieved by such appraisal or award, he may appeal within twenty days' after such award is made known, by giving notice to that effect to the opposite party, otherwise both parties shall be bound by the award, and the amount shall be paid upon application of the persons entitled to receive the same. In case of appeal, a bond shall be filed for the costs, in court, to be paid by the party who shall be entitled to pay the same, as determined by the court aforesaid.

If aggrieved by appraisal, &c., may appeal, &c.

SEC. 13. In case of appeal, or a disagreement in regard to the damages, the railroad company may occupy, for the purpose of constructing the said road, by giving satisfactory security to the judge of said court for the ultimate payment of the damages so determined.

In case of appeal or a disagreement in regard to damages, &c.

SEC. 14. Said corporation shall, within reasonable time after said road or branches are definitely located, cause a map and profile to be made of the route of said road, and file the same in the office of the secretary of the territory.

Map and profile to be made, &c.

SEC. 15. When fifty thousand dollars shall have been subscribed to the capital stock, and the ten per centum actually paid to the grantees herein named, and a certificate from a majority of them duly authenticated, and filed in the office of the secretary of the territory, they are authorized to organize the company and open books for further subscriptions, requiring payments or instalments from time to time; and in case of neglect or refusal on the part of stockholders to make payment as required, the shares of such delinquent may, after thirty days' public notice, be sold at auction, and the surplus, if any, deducting payments and interest, shall be paid to such stockholder.

When the company shall be organized, &c.

SEC. 16. When the citizens of any county or city of this territory are desirous of subscribing to the stock of said company, the citizens of such city or county are authorized to purchase, subscribe or hold shares, not exceeding one hundred thousand dollars in amount, as shall be determined by the county court or common council, making such subscription in all respects as stock owned by individuals; and such railroad company may dispose of bonds issued for such stock by said county or council, upon such terms as may be necessary.

When citizens are desirous of subscribing, &c.

Subscriptions
made in land the
same as in cash

SEC. 17. Subscriptions to the stock of said company may be made in land in the same manner as in cash, and said company are hereby authorized to hold, purchase and convey the same as they may deem for their interest.

Authority to is-
sue bonds, &c.

SEC. 18. The company are hereby authorized to issue bonds upon their roads, or hold and sell the same in such amounts, upon such terms, above or below par ; *Provided*, however, that said bonds shall not be issued for a less sum than five hundred dollars, and at such rates of interest as may be determined, which shall be binding upon the parties interested.

Commencement
and completion of
road.

SEC. 19. The said company shall commence the construction of said road within five years after the passage of this act, and shall complete the same within twenty years thereafter.

Power of com-
pany to make con-
tracts, &c., with
other railroads.

SEC. 20. This company shall have the power to make such contracts and arrangements with other railroads which connect with or intersect the same, as may be mutually agreed upon by the parties for bearing or running their roads, or any part thereof, in connection with roads in other states ; and shall be empowered to consolidate their property and stock with each other such consolidation to take place whenever such companies shall respectively agree upon the terms and conditions ; and shall have all the powers, privileges and liabilities that they may hold by their respective charters, by filing a copy of such articles of consolidation in the office of the secretary of this territory.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Missouri River and Rocky Mountain Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corpo-
rators of compa-
ny.

SECTION 1. That James M. Kuykendall, D. A. N. Grover, Lewis Burnes, Thos. Arnold, Charles Rodgers, Fielding Burnes, Jesse Summers, Andrew Johnston, Lycurgus Shepard, D. D. Burnes, W. B. Almond, and John Calhoun, with such others as may associate with them for that purpose, are hereby incorporated a body politic and corporate by the name of the "Missouri River and Rocky Mountain Railroad Company," and under that name and style shall be capable of suing and being sued, pleading and being impleaded, defending and being de-

Powers

fended against, in law and in equity, in all courts and places ; may make and use a common seal, and alter and renew the same ; be capable of contracting and being contracted with, and are hereby invested with all the powers, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this act.

SEC. 2. The said company is hereby authorized and empowered to survey, locate, construct, alter, maintain and operate a railroad, with one or more tracks, from any point on the Missouri river between the town of Delaware city, in Leavenworth county, and the mouth of the Kansas river, to any point on the western boundary of Kansas territory, with a branch to the southern boundary of said territory.

Company authorized to survey, &c., a road.

SEC. 3. The said company are hereby authorized and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land, not exceeding one hundred feet in width through its entire length, upon such route as may be determined ; and, for the purposes of depots, side tracks, cuttings and embankments, for building engine houses and shops, or wood and water stations, may take more land, earth or material, as may be necessary for the construction or completion, operation, preserving and maintaining said road.

Shall have the right of way.

SEC. 4. All such lands, materials and privileges belonging to this territory, or state hereafter, are hereby granted to such railroad for the purposes named in the previous section, and may construct said road on or across other railroads, common roads, rivers or streams, which it may intersect ; but said company shall restore said railroad, common road, river or stream, thus intersected, in sufficient manner not to materially impair its usefulness.

Road may cross other railroads, rivers, &c.

SEC. 5. The capital stock of said corporation shall be one million of dollars, which may be increased from time to time to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, issued and transferred as may be ordered by the directors or laws of said company.

Capital stock.

SEC. 6. All the corporate powers of said company, shall be vested in and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors

Board of directors ; number.

shall consist of thirteen persons, stockholders, at least three of whom shall be residents of Kansas; who shall be chosen annually by the stockholders, each share having one vote by person or proxy, and continue in office until their successors are elected and qualified; vacancy in the board may be filled by a vote of two-thirds of the remaining directors.

Vacancies

Duties of directors.

SEC. 7. The president and directors, for the time being, are hereby empowered, or their officers or agents, to execute all powers herein granted for the purpose of surveying, locating, constructing and operating said railroad and branches, and for transportation of persons, goods and merchandise, and authority of contract and management of the affairs, as may be necessary to carry into effect the intent of this act.

Powers of company.

SEC. 8. The said company shall have power to make, ordain and establish such by-laws, rules and regulations, as may be deemed expedient for the objects and interests of this company, provided they be not inconsistent with the laws of the United States or of this territory. They shall have power to establish such rates for transportation and collect the same, and matters and things concerning the use of said road, the transportation of persons or property, as may be necessary.

May obtain lands; how.

SEC. 9. It may be lawful for said railroad company, their agent or engineer, for the purpose of exploring, surveying or locating said road, to enter upon any land, doing no unnecessary damage, without consent of the owner; and may acquire, by release, donation or otherwise, any lands, and may hold the same, or convey to others, or use the same, in any manner deemed for the interest of said company.

If company can not obtain right of way.

SEC. 10. If said company can not obtain the right of way by purchase or otherwise, or if the owners refuse to agree upon terms, or where the owner is unknown, non-resident, idiot, or under age, either party may make application to the judge of the district court where the lands are situated, upon notice posted ten days in some public place, asking the appointment of commissioners to appraise the damage to the lands required for the purpose of the road.

Commissioners to be appointed.

SEC. 11. Upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking into consideration the advantages as well as any injury to the parties interested in such lands. Said commissioners shall, by public notice, appoint a time and place, and may adjourn if neces-

Diss.

sary, for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and under oath impartially and justly appraise the lands necessary for the use of said company, and faithfully perform the duty to the best of their judgment and ability. They, or a majority of them, shall make up and sign the awards to the parties, embracing a description of the lands and amount of damages to each, and make a return of their doings to the judge of the district court. The commissioners making such appraisal shall be entitled to pay for their services, three dollars per day, and ordinary travelling expenses, which shall be paid by said company.

Payment of commissioners.

SEC. 12. If either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award is made known, by giving notice to that effect to the opposite party; otherwise, both parties shall be bound by the award, and the amount shall be paid upon application of the persons entitled to receive the same. In case of appeal, a bond shall be filed for the costs in court, to be paid by the party who shall be entitled to pay the same, as determined by the court aforesaid.

Ap, eals.

Bond fil d.

SEC. 13. In case of appeal or disagreement in regard to the damages, the company may occupy, for the purpose of construction of the road, by giving satisfactory security to the judge of said court for the ultimate payment of the damages so determined.

In case of appeal.

SEC. 14. If any person shall wilfully or maliciously hinder or delay, or obstruct the workmen or the passage of trains, or shall place any obstruction upon the track, or injure or destroy any tools, cars, or other property of said railroad, or pertaining to it, or aid or abet any person in the commission of such trespass, all such persons shall forfeit and pay said company, agents and servants, triple the damages proven before any court of competent jurisdiction, and shall be liable to indictment and such punishment as may be provided by law.

Any person injuring any part of road.

SEC. 15. Said company shall, within reasonable time after said road or branches are definitely located, cause a map and profile to be made of the route of said road, and file the same in the office of the secretary of the territory.

Map of road.

SEC. 16. When fifty thousand dollars shall have been subscribed to the capital stock, and ten per cent. actually paid to the grantees herein named, and a certificate from a majority of them duly authenticated and filed in the office of the secretary of the territory, they are authorized to organize the company

Capital stock.

Payment of subscriptions.

and open the books for further subscriptions, requiring payments or instalments from time to time; and in case of refusal or neglect on the part of stockholders to make payment as required, the shares of such delinquent may, after thirty days' public notice, be sold at auction, and the surplus, if any, deducting payments and interest, to be paid to such stockholders.

Citizens desirous of subscribing.

SEC. 17. When the citizens of any county or city of this territory are desirous of subscribing to the stock of said company, the citizens of such city or county are authorized to purchase, subscribe, or hold shares, not exceeding one hundred thousand dollars in amount, as shall be determined by the county court or common council, making such subscription in all respects as stock owned by individuals; and such railroad company may dispose of such bonds issued for such stock by said county or city, upon such terms as may be necessary.

Subscriptions may be made in land.

SEC. 18. Subscriptions to the stock of said company may be made in land, in the same manner as in cash; and the said company are hereby authorized to hold, purchase and convey the same, as they may deem for their interest.

Company may issue bonds.

SEC. 19. The company are hereby authorized to issue bonds upon their road, or hold and sell the same in such amounts, and upon such terms above or below par, and at such rates of interest, as may be determined, which shall be binding upon the parties interested; *Provided*, however, that no bonds shall be issued for a less sum than five hundred dollars.

May commence construction of road.

SEC. 20. The railroad company may commence the construction of the whole or any section of the road herein granted, not less than twenty-five miles in extent.

Powers of company.

SEC. 21. This company shall have the power to make such contracts and arrangements with other railroads, which connect with or intersect the same, as may be mutually agreed upon by the parties, for bearing or running their roads, or any part thereof, in connection with roads in other states, and shall be empowered to consolidate their property and stock with each other; such consolidation to take place whenever such companies shall respectively agree upon the terms and conditions; and shall have all the powers, privileges and liabilities that they may hold by their separate charters, by filing a copy of such articles of consolidation in the office of the secretary of the territory.

Articles of consolidation.

This act to take effect and be in force from and after its passage.

Approved February 5th, 1857.

AN ACT to incorporate the Delaware and Lecompton Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That H. D. Smith, G. B. Redman, L. F. Hollingsworth, Charles Starnes, W. Christison, E. F. Slafford, John Kelly, Wm. Dickey, H. T. Green, Samuel Paul, G. W. Gardner, George Tumley, W. E. Brown, A. Sturges, A. Baker, J. T. Moore, J. M. Churchill, Wm. Liggett, and W. D. Bonnell, together with such other persons as may associate with them for that purpose, are hereby incorporated a body corporate by the name of the "Delaware and Lecompton Railroad Company," and under that name and style shall be capable of suing and being sued, pleading and being impleaded, defend and being defended against, in all courts of law and equity; may make and use a common seal, alter or change the same; be capable of contracting and being contracted with, and are hereby invested with all the powers, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this act.

Names of incorporators of company.

Powers.

SEC. 2. The said company is hereby authorized and empowered to survey, locate, construct and complete a railroad, with one or more tracks, from the town of Delaware to the town of Lecompton, making such points on said road as to them may be deemed expedient.

Authorized to survey, locate, &c.

SEC. 3. All the powers, rights and privileges and provisions of an act passed at the last session of the legislative assembly of Kansas territory, entitled "An act to incorporate the Central Railroad Company," except such as are contained in the second and fourteenth sections thereof, be and the same are hereby conferred upon the said Delaware and Lecompton Railroad Company; and the said Delaware and Lecompton Railroad Company is hereby authorized and empowered to proceed under the provisions of said charter as fully and absolutely as if the same had been, in the said act, specially applied to the said Delaware and Lecompton Railroad Company. Amendment—That the provisions of section twenty of "An act to incorporate the Central Railroad Company," passed at the last session of the legislative assembly, is not granted to said railroad company. That the following proviso be inserted as a substitute

Powers, rights, privileges, &c., conferred.

Amendment.

Proviso.

for said twentieth section: 2d. *Provided*, that the powers herein conferred shall not be exercised until the "Kansas Valley Railroad" shall fail, for one year from the passage of this bill, to organize and efficiently commence the work under their

Proviso

charter, on the south side of the Kansas river; and *Provided, further*, that the company herein incorporated may organize under the provisions of this act, and proceed at once to construct a railroad from any point on the Wyandott lands, to connect with the Kansas Valley railroad on the south side of the Kansas river, at a point not exceeding two miles from the Missouri river.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Mine Hill Railroad and Mining Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Railroad company incorporated.

SECTION 1. That a company is hereby incorporated under the name and title of the "Mine Hill Railroad and Mining Company," the capital stock of which shall be five millions of dollars, to be divided into shares of fifty dollars each, the holders of which, their successors and assigns, shall constitute and be a body corporate, in law and in fact, by the name and style aforesaid, and by that name shall have continual succession, may sue and be sued, plead and be impleaded, defend and be defended against, and be able in law and in equity to make contracts and be contracted with, and appearing in any courts whatsoever; may have and use a common seal, and alter the same at pleasure; and said company shall have full power and authority to open and work any mines of coal, lead, or other minerals or ores, that may exist on any lands which the said company may acquire in the territory of Kansas; and may have, hold, use and possess, and enjoy the fee simple or other title in or to any real estate and lands, and may sell and dispose of the same by grant, conveyance, put on interest, or otherwise dispose of the same, as may be lawful; on such lands to erect furnaces, foundries, forges, and manufactories, of every kind and description necessary for the manufacture of such minerals. They and their successors, as a body corporate,

Powers.

Real estate and lands, &c.

by the aforesaid name and style, shall be competent and capable of purchasing, receiving by donation, gift, grant or devise, holding, mortgaging and conveying, any property or estate whatever, real, personal or mixed; may make by-laws, rules and regulations proper for carrying into effect the provisions of this act and object of the company; may alter, amend and change the same when needed, and shall have all the usual and necessary powers of companies for such purposes.

SEC. 2. That Ely Moore, Aristides Rodrique, Samuel J. Jones, M. D. Hickman, A. G. Boone, L. J. Eastin, Andrew J. Rodrique, H. J. Strickler, W. A. M. Vaughan, J. C. McKee, T. T. Christy, or a majority of these, shall constitute the first board of directors under this act, and shall hold their offices until their successors are duly elected and qualified; they shall meet at such time and place as shall be designated by either or both of the first two named directors, and organize themselves into a board of directors, and when organized shall cause books to be opened for the subscription of capital stock of said company, at such times and places as they may designate, under the supervision of such person or persons as they may appoint, and continue them open so long as they may deem necessary and proper, and may re-open such books, when necessary, until the whole stock shall be subscribed.

SEC. 3. That so soon as five hundred shares shall have been subscribed, the directors shall cause an election to be held for the election of seven directors, at such time and place as they may designate, having given public notice thereof in at least two newspapers. The management of the affairs of said company shall be vested in the above named seven directors, who shall be stockholders; four of whom, with the president, shall constitute a quorum to do business. Such directors shall hold their office until their successors are elected and qualified; vacancies by death, resignation, or otherwise, shall be filled by the board.

SEC. 4. An election of seven directors shall be held in May, in each year, and if not held on that day, an election may be held at any other time the directors may designate. The election shall be held under the supervision of one or more stockholders, and the persons receiving the highest number of votes shall be elected, and shall continue in office until their successors are duly elected and qualified. Every stockholder shall be entitled to one vote for each share held by him, and he may vote by

proxy. Soon after their election the directors shall meet and elect one of their number president, who shall hold his office for the term for which he was elected director, and until his successor shall be qualified.

Directors may
appoint agents,
clerks, &c.

SEC. 5. The directors may appoint agents, clerks, engineers, superintendents, and other officers and servants for said company, and shall keep a journal of their proceedings; shall cause correct books and accounts to be kept; they may determine by by-laws what number of directors shall constitute a quorum, and may appoint committees and fill vacancies in office under said company; they may fix the salary of the president and officers and agents, take security from officers and agents, and may adopt such measures and do such acts as will be best calculated to promote the prosperity and usefulness of said company.

Of salary of officers.

Directors shall
make calls for
payment of capital
stock.

SEC. 6. The directors shall make and advertise calls for the payment of the capital stock at such time and in such manner as they may deem proper; and if any stockholder shall fail to pay any such requisition within thirty days after the time appointed, the said company may recover the same with interest, and if not collected may declare the stock forfeited, and may sell the same; and no delinquent stockholder shall vote in said company.

Shall have power
to survey, locate,
&c.

SEC. 7. The said company shall have full power to survey, mark, locate, and construct a railroad, with one or more tracks, from within twenty miles of Council Grove to Lecompton city, by way of Topeka and Tecumseh, and may for that purpose hold a strip of land not exceeding two hundred feet wide, and may also hold sufficient additional land for the construction of depots, warehouses, water stations, and other houses, for the use of the company.

For transportation,
have power
to survey, locate,
&c.

SEC. 8. That, for the ready transportation of the produce of such mines and manufactories, the said company shall have the power to survey, locate and establish and construct a road of plank, turnpike or railroad, from the said works and premises of the company to such point or depot as shall be deemed necessary.

May take relinquishments
for right of way.

SEC. 9. Said company may take voluntary relinquishments for the right of way for said road and the necessary depots, water stations, &c., as above mentioned; and if the land through which the road shall pass belongs to minors, in whole or in part, the guardian or curator of said minors shall have power to

convey to said company so much of the lands as may be necessary for the accomplishment of the purposes aforesaid, on fair and equitable terms; but every such conveyance by a guardian or curator shall be subject to the approval of the court having probate jurisdiction in which said guardianship is pending.

SEC. 10. If any owner of a tract of land through which said road may pass refuses to relinquish the right of way for said road to said company, or if the owners be infants or persons of unsound mind, or non-residents of the territory, the facts of the case shall be specifically stated to the judge of the district or probate court of the county in which said lands are situated, and the judge shall appoint three disinterested citizens of the county to view said lands, who shall take into consideration the value of the lands, and the advantages and disadvantages of the road to the same, and shall report, under oath, what damages will be done to said land or any improvement thereon, stating the amount of the damages assessed, and shall return a plat of the land thus condemned. Notice of such application to the judge shall be given to the owner of such land five days before making such application, if such owner resides in the territory, or to his guardian; and if such owner be a non-resident of this territory, he may be served with actual notice, or by an advertisement for four weeks in some newspaper.

In case persons should refuse to relinquish right of way.

Notice to be given to owner of land.

SEC. 11. The persons appointed to view and value such lands shall file their report in the office of the clerk of the district or probate court of the county in which the land, or part thereof, is situated; and if no valid objection be made to said report, the court shall enter judgment against said company for the amount of damages so assessed, and shall make an order vesting in said company the fee simple title of the land in such plat and report described. Objections to such report must be filed within ten days after the same shall be filed, which objections shall be examined by said judge in term time or vacation; and he may hear testimony, and by judgment confirm said report, or may set aside the same and appoint three other viewers, who shall proceed in the same manner, and make their report until their report shall be confirmed. In all such cases the court shall adjudge the costs of the proceedings to the equity of the case; and the said court shall have power to make such orders, and take such other steps, as will promote the ends of justice between the owner of said land and said company.

Appraisers to file report.

Court shall adjudge costs, &c.

SEC. 12. Said company may build said road along or across any territorial or county road, or the streets or wharves of any

Where the company may build the road, &c.

town or city, and over any stream or highway; but whenever said railroad shall cross any territorial or county road, said company shall keep good and sufficient causeways or other adequate facilities for crossing the same; and said railroad shall not be so constructed as to prevent the public from using any road, or street, or highway, along or across which it may pass; and when said railroad shall be built across any navigable stream, said company shall erect a bridge sufficiently high on which to cross, or shall construct a drawbridge, so that in no case shall the free navigation of such stream be obstructed.

Shall commence operations within five years.

SEC. 13. Said company shall commence operations either in mining or constructing said railroad within five years, and may construct such portions as may be deemed most advantageous first. Said company shall have general and exclusive power to use, manage, control, and enjoy said railroad; shall determine what kind of carriage shall be used thereon, and by whom and in what manner, and shall determine the terms and conditions and manner in which merchandise, property and passengers shall be transported thereon; and shall have power to construct and keep such turn-outs, gates, bridges, culverts, toll-houses, depots, warehouses, causeways, and other buildings, machinery and other fixtures, as may be necessary. The company may receive such tolls and freights as may be determined on by the directors, and shall keep posted up statements of the rates of toll and freights to be charged.

Tolls and freights

Dividends to be made annually, &c.

SEC. 14. Dividends of the profits of the company shall be made annually, or oftener if necessary; but the directors may reserve or set apart a portion of the profits as a contingent fund.

Materials for construction or repair may be taken from adjoining lands.

SEC. 15. If said company shall require for the construction or repair of said road, any stone, gravel, or other materials, from the land of any person adjoining to or near said road, and can not contract for the same with the owner thereof, said company may proceed to take possession of and use the same, and have the property assessed according to sections nine and ten of this act; and in raising money for the construction and completion of said road or its branches, set forth in this act of incorporation, the company are hereby authorized to issue bonds upon the road, or hold, or sell the same in such amount, upon such terms above or below par, and at such rates of interest as may be determined, which shall be binding upon the parties interested.

SEC. 16. That subscription to the stock of said company may be made in lands in the same manner as in cash; and said company are hereby authorized to hold, purchase, and convey the same, as they may deem for their interest.

Subscriptions in lands the same as cash.

SEC. 17. Said company shall have power to extend their capital, receive and hold loans, gifts, grants, and donations of land, money or bonds, in any quantity, from this territory, or from the United States; and may sell, convey, pledge, mortgage, or otherwise dispose of said lands, or any part thereof, and apply the proceeds to the construction of said road, branches, and mining operations, and the benefit of said company.

Capital may be increased.

SEC. 18. When said road shall be completed, the company shall file a plat thereof in the office of the secretary of the territory, and the legislature may, at any time require a statement of the progress of the work, amount of business, &c.

Plat of road to be filed.

SEC. 19. When any person shall cease to be a stockholder, he shall cease to be a member of the company.

Membership, how forfeited.

SEC. 20. That section seven and thirteen of article first, and so much of section eleven, article second, as relates to "stock owned," of "An act concerning corporations," shall not apply to this act.

Certain sections of a former act repealed

SEC. 21. That it shall be lawful for said company to purchase and hold, or receive by gifts or donations, or otherwise, so much land at their stations and termini as they may deem necessary; *Provided, always*, said quantity shall not exceed a quarter section; *and provided, also*, said company may dispose of said land when they may so desire; *and also provided*, that nothing in this section shall be so construed as to prevent said company from owning and holding lands for mining operations; or that any thing contained in "An act to prevent incorporated companies from dealing in real estate," shall apply to this company, so as to prevent them from pursuing their legitimate operations.

May purchase and hold land.

Provides.

SEC. 22. That said company shall have power to erect and construct coal-yards, warehouses, hoppers, and all the necessary fixtures and dwellings, in either of the first named towns and cities, or any other town or city, or village, to which their road may extend for the full and complete prosecution of their operations.

Shall have power to construct coal yards, &c.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Atchison and Palmetto City Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporations of company.

SECTION 1. Luther C. Challiss, George W. Brown, William Young, Isaac S. Hascall, James H. Lucas, Newcomb J. Ireland, William S. Irving, Thos. H. Christopher, Berry S. Davenport, C. B. Buist, W. H. Jenkins, W. S. Brewster, J. P. Miller, F. J. Marshall, Joseph P. Carr and Jos. McClosky, with such other persons as may associate with them for that purpose, are hereby incorporated a body politic and corporate by the name of "The Atchison and Palmetto City Railroad Company;" and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and equity, in all courts and places; may make and use a common seal, and alter or renew the same; be capable of contracting and being contracted with, and are hereby invested with all the powers, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this act.

Powers.

Authority to survey, locate, &c.

SEC. 2. The said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, from Atchison to Palmetto city, on the Big Blue river.

Right of way of company, &c.

SEC. 3. The said company are hereby authorized, and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land, not exceeding one hundred feet in width, through its entire length, upon such route as may be determined, and, for the purposes of depots, side-tracks, cuttings and embankments, for building engine houses and shops, or wood and water stations, may take more land, earth or material, as may be necessary for the construction or completion, operation, preserving and maintaining said road.

Lands, privileges, &c., granted.

SEC. 4. All such lands, materials and privileges, as are mentioned in the preceding section, belonging to this territory, or state hereafter, are hereby granted to such railroad for the purposes named in the previous section; and said company may

construct said road on or across other railroads, common roads, rivers, or streams, which it may intersect; but said company shall restore said railroad, common road, river or stream, thus intersected, in sufficient manner not to materially impair its usefulness.

SEC. 5. The capital stock of said corporation shall be one million of dollars, which may be increased from time to time to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, issued and transferred as may be ordered by the directors or laws of said company.

Capital stock of incorporation.

SEC. 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of thirteen persons, stockholders, at least three of whom shall be residents of Kansas, who shall be chosen annually by the stockholders, each share having one vote by person or proxy, and continue in office until their successors are elected and qualified. Vacancies in the board may be filled by a vote of two-thirds of the remaining directors.

Corporate powers vested in a board of directors, &c.

SEC. 7. The president and directors, for the time being, are hereby empowered, or their officers or agents, to execute all the powers herein granted for the purpose of surveying, locating, constructing and operating said railroad and branches, and for transportation of persons, goods and merchandise, and authority of contracts and management of the affairs, as may be necessary to carry into effect the intent of this act.

President and directors, &c., to execute powers granted for surveying, &c.

SEC. 8. The said company shall have power to make, ordain and establish such by-laws, rules and regulations as may be deemed expedient for the objects and interest of the company; *Provided*, they be not inconsistent with the laws of the United States or of this territory. They shall have power to establish such rates for transportation and collect the same, and matters and things respecting the use of said road, the transportation of persons or property, as may be necessary.

Company shall have power to make by-laws, &c.

SEC. 9. It may be lawful for said railroad company, their agent or engineer, for the purpose of exploring, surveying, or locating said road, to enter upon any land, doing no unnecessary damage, without the consent of the owner; and may acquire by release, donation or otherwise, any lands, and may hold the same, or convey to others, or use the same in any manner deemed for the interest of said company.

Lawful to enter upon lands for certain purposes.

When owners of land refuse, &c., or are unknown, &c.

SEC. 10. If said company can not obtain the right of way by purchase or otherwise, if the owners refuse to agree upon terms, or where the owner is unknown, non-resident, idiot, or under age, either party may make application to the judge of probate court where the lands are situated, upon notice being posted ten days in some public place, asking the appointment of commissioners to appraise the damage to the lands required for the purpose of the road.

Disinterested persons to be appointed commissioners.

SEC. 11. Upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking into consideration the advantages as well as any injury to the parties interested in such lands. Said commissioners shall, by public notice, appoint a time and place, and may adjourn if necessary, for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and under oath impartially and justly to appraise the lands necessary for the use of said company, and faithfully perform the duty to the best of their judgment and ability. They, or a majority of them, shall make up and sign the awards to the parties, embracing a description of the lands and amount of damages to each, and make a return of their doings to the judge of the probate court. The commissioners making such appraisal shall be entitled to pay for their services, three dollars per day, and ordinary travelling expenses, which shall be paid by said company.

Awards to parties, &c.

Pay of commissioners.

Should parties feel aggrieved by such awards, &c.

SEC. 12. If either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award is made known, by giving notice to that effect to the opposite party; otherwise both parties shall be bound by the award, and the amount shall be paid upon application of the persons entitled to receive the same. In case of appeal, a bond shall be filed for the costs in court, to be paid by the party who shall be entitled to pay the same, as determined by the court aforesaid.

In case of appeal, &c.

SEC. 13. In case of appeal or a disagreement in regard to the damages, the railroad company may occupy, for the purpose of construction of the road, by giving satisfactory security to the judge of said court for the ultimate payment of the damages so determined.

Shall cause a map and profile to be made.

SEC. 14. Said corporation shall, within reasonable time after said road or branches are definitely located, cause a map and

profile to be made of the route of said road, and file the same in the office of the secretary of the territory.

SEC. 15. When fifty thousand dollars shall have been subscribed to the capital stock, and ten per centum actually paid to the grantees herein named, and a certificate from a majority of them duly authenticated, filed in the office of the secretary of the territory, they are authorized to organize the company and open books for further subscriptions, requiring payments or instalments from time to time; and in case of refusal or neglect on the part of stockholders to make payment as required, the shares of such delinquents may, after thirty days' public notice, be sold at auction, and the surplus, if any, deducting payments and interest, be paid to such stockholder.

When the company shall be authorized to organize, &c.

SEC. 16. When the citizens of any county or city of this territory are desirous of subscribing to the stock of said company, the citizens of such city or county are authorized to purchase, subscribe or hold shares, not exceeding one hundred thousand dollars in amount, as shall be determined by the county court or common council, making such subscription in all respects as stock owned by individuals; and such railroad company may dispose of bonds issued for such stock by said county or council, upon such terms as may be necessary.

When persons are desirous of subscribing.

SEC. 17. Subscriptions to the stock of said company may be made in land in the same manner as in cash; and said company is hereby authorized to hold, purchase, and convey the same as they may deem for their interest.

Subscriptions may be made in land the same as in money.

SEC. 18. The company are hereby authorized to issue bonds upon their roads, or hold and sell the same in such amounts, upon such terms above or below par, and at such rates of interest, as may be determined, which shall be binding upon the parties interested; *Provided, however*, that said bonds shall not be issued for a less sum than five hundred dollars.

Company authorized to issue bonds.

SEC. 19. Said company shall commence the construction of said road within five years from the passage of this act, and shall complete the same within twenty years thereafter.

Road to be commenced within five years.

SEC. 20. This company shall have the power to make such contracts and arrangements with other railroads which connect with or intersect the same, as may be mutually agreed upon by the parties for bearing or running their roads, or any part thereof, in connection with roads in other states, and shall be empowered to consolidate their property and stock with each other; such consolidation to take place whenever such companies shall

Power to make contracts with other roads.

respectively agree upon the terms and conditions ; and shall have all the powers, privileges and liabilities that they may hold by their separate charters, by filing a copy of such articles of consolidation in the office of the secretary of the territory.

This act to take effect and be in force from and after its passage.

Approved February 19th, 1857.

AN ACT supplemental to an act entitled " An act to incorporate the Leavenworth, Pawnee and Weston Railroad Company."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Provisions to
incorporate ex-
tended.

SECTION 1. The provisions of an act entitled " An act to incorporate the Leavenworth, Pawnee and Weston Railroad Company," shall be and the same are hereby so extended as to enable said company to commence and progress with, at any time within nine years from the date of the passage of this act, the construction of a railroad, to be called the " Southern Branch and Gulf Railroad," beginning at some favorable point on the Leavenworth, Pawnee and Western railroad, and follow the most practicable route southwardly, to terminate on the southern boundary of the territory of Kansas, at some point where an easy connection may be had with a line of railroad extending through the Indian territory, and state of Texas, to the gulf of Mexico, under the same provisions, privileges, rights and restrictions, as provided in the act to which this act is a supplement ; and for such purpose the said company may increase their capital stock to ten millions of dollars, or any other amount necessary for the completion of the said road.

Privileges, rights,
&c.

Shall have right
to keep a ferry
across the Mis-
souri river, &c.

SEC. 2. The said company shall have, hold and enjoy the free right and privilege of keeping and maintaining a public ferry across the Missouri river, at the point or terminus of said road on said river ; and also across other streams on the line of said road, where the said company may deem such ferry preferable to a bridge, or until such time as said company can procure bridges.

Shall have pow-
er to establish
branches of said
road.

SEC. 3. The said company shall have power and authority, at any time within nine years from the passage of this act, to commence and continue the construction of a branch or branches

of said road from any point on said road to any point on the southern or western boundary of the territory; and also, to construct a branch from any point on the said road to any point on the northern boundary of the territory of Kansas, with all the privileges, powers and rights granted to said company by the act to which this act is a supplement, and subject to all the restrictions and provisions of said act.

This act to take effect and be in force from and after its passage.

Approved February 23d, 1857.

AN ACT to incorporate the Eastern Kansas and Gulf Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. A company is hereby incorporated, called the "Eastern Kansas and Gulf Railroad Company," the capital stock of which shall be five millions of dollars, to be divided into shares of one hundred dollars each, the holders of which, their successors and assigns, shall constitute a body politic and corporate, and by the name aforesaid shall have continual succession, may sue and be sued, plead and be impleaded, defend and be defended against, and may make and use a common seal, and shall be able in law and equity to make contracts; may take, hold, use, possess and enjoy the fee simple or other title in and to any real estate, and may sell and dispose of the same; may make by-laws, rules and regulations proper for carrying into effect the provisions of this act, not repugnant to the constitution or laws of the United States, or of this territory; and shall have the usual and necessary powers of companies for such purposes.

Company incor-
porated.

Powers.

By-laws.

SEC. 2. That Thomas Johnson, Johnston Lykins, John C. McCoy, Jeremiah Farmer, A. M. Coffey, David Lykins, Blake Little, Henry T. Wilson, Benj. F. Jewel, George Overstreet and M. D. Osborn shall constitute the first board of directors under this act, and shall hold their offices until their successors shall be qualified; they shall meet at such time and place as shall be designated by a majority of them, and organize as a board of directors; and when organized they shall cause books to be opened for subscription of the capital stock of said company, at such times and places as they may designate, and may continue

Nam's of board
of directors.

Subscription
books to be open-
ed

them open so long as they may deem proper, and may re-open such books when necessary, until the whole stock shall be subscribed.

Election for directors.

SEC. 3. So soon as five hundred shares shall be subscribed, the directors shall cause an election to be held for nine directors, at such time and place as they may appoint, and give notice of by newspaper publication.

Time of holding election for directors.

SEC. 4. An election for nine directors shall be held on the first Tuesday of October in each year, and if not held on that day, an election may be held at any other time that the directors may designate; the election shall be held under the supervision of one or more stockholders, and the persons receiving the highest number of votes shall be elected, and shall continue in office till their successors are qualified; every stockholder shall be entitled to one vote for each share held by him, and he may vote by proxy. Soon after their election the directors shall meet and appoint one of their number president, who shall hold his office for the term for which he was elected director, and until his successor shall be qualified.

Directors shall appoint agents, clerks, &c.

SEC. 5. The directors shall appoint agents, clerks, engineers, superintendent, and other officers and servants of said company; shall keep a journal of their proceedings; shall cause correct books and accounts to be kept; they may determine by by-laws what number of directors shall constitute a quorum, and may appoint committees and fill all vacancies in any office under said company; they shall fix the salaries of the president and the officers and agents, but no director shall receive any compensation for his services as such; they may take security from their officers and agents, and may adopt such measures and do such acts as may be best calculated to promote the prosperity and usefulness of said company.

Directors shall make calls for payment of capital stock.

SEC. 6. The directors shall make and advertise calls for the payment of the capital stock, at such times and in such manner as they may deem proper; and if any stockholder shall fail to pay such requisition within ten days after the appointed time, the said company may recover the same with interest; and if not collected, may declare the stock forfeited and sell the same; and no delinquent stockholder shall vote in said company.

Shall have power to survey, locate, &c.

SEC. 7. Said company shall have full power to survey, mark, locate and construct a railroad from the western boundary line of the state of Missouri, on the south side of the Kansas or Kaw river, so as to connect with the Pacific railroad at its western terminus, or from any other point said directors may adopt

for forming connection with said Pacific railroad, or any other railroad that may connect with it running southward through the territory of Kansas to some point on the southern boundary line of said territory, to be determined by the directors, so as to connect with any similar improvement or improvements leading to the gulf of Mexico or Pacific coast; and for that purpose may hold a strip of land not exceeding one hundred feet wide, and may also hold sufficient land for the construction of depots, warehouses and water stations; and may select such route as may be deemed most advantageous, and may extend branch railroads to any point in any of the counties in which said road may be located.

May hold land.

SEC. 8. Said company may take voluntary relinquishments of the right of way for said road, and the necessary water stations and depots; and if the land through which said road shall pass shall belong to minors, in whole or in part, the guardian or curator of such minors shall have power to convey to said company so much of said land as may be necessary for the purposes aforesaid, on fair and equitable terms; but every such conveyance by a guardian shall be subject to the approval or rejection of the probate court or county tribunal in which said guardianship is pending.

May take relinquishments of right of way.

SEC. 9. If any owner of any tract of land through which said railroad shall pass shall refuse to relinquish the right of way for said road to said company, or if the persons be infants or persons of unsound mind, or non-residents of the territory, the facts of the case shall be specifically stated to the judge of the district or probate court of the county in which said lands are situated, and said judge shall appoint three disinterested citizens of the county to view said lands, who shall take into consideration the value of the land and the advantages and disadvantages of the road to the same, and shall report under oath what damages will be done to said land or any improvements thereon, stating the amount of damages assessed, and shall return a plat of the land thus condemned. Notice of such application to such judge shall be given to the owner of such land five days before the making of the application, if such owner reside in this territory, or to his guardian; and if such owner be a non-resident of this territory, he may be served with actual notice, or by advertisement for four weeks in some newspaper.

In case persons shall refuse to relinquish right of way, &c.

Notice must be given to owner of lands.

SEC. 10. The persons appointed to view and value such lands shall file their report and plat in the office of the district or probate court in which the land or part thereof is situated, and if no valid objections be made to said report, the court shall enter

Persons appointed to view lands must file, &c.

Objections must
be filed.

Powers of the
court.

Where the road
may be built.

Road must be
commenced within
seven years.

Dividends must
be made annually.

Directors must
report annually.

judgment against said company for the amount of damages so assessed, and shall make an order vesting in said company the fee simple title of the land in such plat and report described. Objections to such report must be filed within ten days after the same shall be filed, which objections shall be examined by said judge in term time or vacation, and he may hear testimony, and by judgment confirm said report, or may set the same aside and appoint three other viewers, who shall proceed in the same manner, and make their report until a report shall be confirmed; in all such cases the court shall have power to make such order, and take such other steps as will promote the ends of justice between the owners of such land and the said company.

SEC. 11. Said company may build said road along or across any territorial or county road, or the streets or wharves of any town or city, and over any stream or highway; but wherever said railroad shall cross any territorial or county road, said company shall keep good and sufficient causeways, or other adequate facilities for crossing the same; and said railroad shall not be so constructed as to prevent the public from using any road, street or highway, along or across which it may pass; and when said railroad shall be built across any navigable stream, said company shall erect a bridge sufficiently high on which to cross, or shall construct a draw-bridge, so that in no case shall the free navigation of such stream be obstructed.

SEC. 12. Said company shall commence the construction of said road within seven years, and shall complete the same within ten years thereafter; and said company shall have power to use, manage, control and enjoy said railroad; shall determine what kind of carriages shall be used thereon, and by whom and in what manner; and shall determine the terms, conditions and manner in which merchandise, property and passengers shall be transported thereon; and shall have power to keep such turnouts, gates, bridges, culverts, toll-houses, depots, warehouses, causeways and other buildings, machinery and other fixtures, as may be necessary.

SEC. 13. Dividends of the profits of said company shall be made annually, or oftener if necessary; but the directors may reserve or set apart a portion of the profits as a contingent fund to meet expenditures and losses.

SEC. 14. At every annual meeting of said company the directors shall make to the stockholders an exhibit of the affairs and condition of the company; one-seventh part in interest

of all the stockholders may call a meeting by giving four weeks' notice in one newspaper in the territory.

SEC. 15. When said road shall be completed the company shall file a plat thereof in the office of the secretary of the territory; and the legislature may, at any time, require a statement from the company as to the progress of the work, the amount of business and the receipts of the company; and the books and accounts may, at any time, be investigated by a committee appointed by the legislative assembly.

Plat to be filed with secretary of the territory.

SEC. 16. Whenever any person shall cease to be a stockholder, he shall cease to be a member of said company.

Persons ceasing to be stockholders cease to be members.

SEC. 17. The operations of said company shall be confined to the general business of locating, constructing, managing and using said road, and the acts necessary or proper to carry the same into complete and successful operation.

Operations of company.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Palermo and Lecompton Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Reuben Middleton, John Stairwalt, L. D. Bird, B. Rellartin, John Corby, William C. Kimber, Job B. Kimber, Granville P. Livermore and Frank M. Mahan, with such other persons as may associate with them for that purpose, are hereby incorporated a body politic and corporate by the name of the "Palermo and Lecompton Railroad Company," and all the powers, conditions and provisions of an act entitled "An act to incorporate the Central Railroad Company," which are conferred by law upon the said company by the aforesaid act, are by this act extended to and conferred upon the Palermo and Lecompton Railroad Company; *Provided*, that said company shall not issue bonds for a less sum than five hundred dollars; that the provisions of sections fourteen and twenty of an "Act to incorporate the Central Railroad Company," chapter eighty-four, Statutes of the Territory, are not granted to said road; that, as a substitute to the aforesaid twentieth section, insert "said company shall commence the construction of said road

Names of corporators of road.

Powers.

Proviso

Road to be commenced within five years.

within five years after the passage of this act, and shall complete the same within twenty years."

This act to take effect and be in force from and after its passage.

Approved February 19th, 1857.

AN ACT to incorporate the Palermo and St. Joseph Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of corporators of road.

Powers.

Proviso.

Road to be commenced within five years.

SECTION 1. That Aldin Clark, Frank M. Mahan, B. R. Martin, W. R. Richardson, John Stairwalt, Job V. Kimber and Reuben Middleton, with such other persons as may associate with them for that purpose, are hereby incorporated a body politic and corporate by the name of the "Palermo and St. Joseph Railroad Company," and all the powers, conditions and provisions of an act entitled "An act to incorporate the Central Railroad Company," which are conferred by law upon the said company by the aforesaid act, are by this act extended to and conferred upon the Palermo and St. Joseph Railroad Company; *Provided*, that said company shall not issue bonds for a less sum than five hundred dollars; that the provisions of sections fourteen and twenty of "An act to incorporate the Central Railroad Company," chapter eighty-four, Statutes of the Territory of Kansas, are not granted to said road; that, as a substitute to the aforesaid twentieth section, insert, "said company shall commence the construction of said road within five years after the passage of this act, and shall complete the same within twenty years."

This act to take effect and be in force from and after its passage.

Approved, February 19th, 1857.

AN ACT to incorporate the Prairie City and Missouri State Line Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of incorporators of company.

SECTION 1. That A. Brisvalder, Martin Thomas, James Gilchrist, S. R. Hieronymous, Robert Lester, J. A. Isert, P. L. Doane, and P. Donigan, with such other persons as may asso-

ciate with them for that purpose, are hereby incorporated a body politic and corporate, by the name of the "Prairie City and Missouri State Line Railroad Company," and under that name and style shall be capable of suing and being sued, pleading and being impleaded, defending and being defended against, in law and equity, in all courts and places; may make and use a common seal, and alter or renew the same; be capable of contracting and being contracted with, and are hereby invested with all the powers, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this act. Powers.

SEC. 2. The said company are hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, from Prairie city to some point on the Missouri state line, with two branches extending from the terminus of said road, at Prairie city, to any points within this territory. Company authorized to survey, &c.

SEC. 3. The said company are hereby authorized and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land, not exceeding one hundred feet in width, through its entire length, upon such route as may be determined; and, for the purposes of depots, side tracks, cuttings and embankments for building engine houses and shops, or wood and water stations, may take more land, earth, or material, as may be necessary for the construction or completion, operation, preserving and maintaining said road. Shall have right of way, &c.

SEC. 4. All such lands, materials and privileges belonging to this territory, or state hereafter, are hereby granted to such company for the purposes named in the previous section; and may construct said road on or across other railroads, common roads, rivers, or streams, which it may intersect; but said company shall restore said railroad, common road, river or stream, thus intersected, in sufficient manner not to materially impair its usefulness. May cross other roads, &c.

SEC. 5. The capital stock of said company shall be one million of dollars, which may be increased from time to time to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, and issued or transferred as may be ordered by the directors or laws of said company. Capital stock of company.

Corporate powers vested in a board of directors, &c.

SEC. 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of thirteen persons, stockholders, at least three of whom shall be residents of Kansas, who shall be chosen annually by the stockholders, each share having one vote by person or proxy, and continue in office until their successors are elected and qualified; vacancies in the board may, be filled by a vote of two-thirds of the remaining directors.

Powers of president, directors, &c., in surveying, &c.

SEC. 7. The president and directors, for the time being, are hereby empowered, or their officers or agents, to execute all the powers herein granted for the purpose of surveying, locating, constructing and operating said railroad and branches, and for transportation of persons, goods and merchandise, and authority for the control and management of the affairs, as may be necessary to carry into effect the intent of this act.

Powers of company to make by-laws, &c.

SEC. 8. The said company shall have power to make, ordain and establish such by-laws, rules and regulations as may be deemed expedient for the objects and interests of the company; *Provided*, they be not inconsistent with the laws of the United States or of this territory. They shall have power to establish such rates for transportation and collect the same, and matters and things respecting the use of said road, and the transportation of persons and property, as may be necessary.

Engineer, &c., may enter upon any land, &c.

SEC. 9. It may be lawful for said company, their agent or engineer, for the purpose of exploring, surveying or locating said road, to enter upon any land, doing no unnecessary damage, without the consent of the owner; and may acquire by release, donation or otherwise, any lands, and may hold the same or convey to others, or use the same in any manner deemed for the interest of said company.

If said company can not buy right of way.

SEC. 10. If said company can not obtain the right of way by purchase or otherwise, if the owners refuse to agree upon terms, or when the owner is unknown, non-resident, idiot, or under age, either party may make application to the judge of the district court where the lands are situated, upon notice posted ten days in some public place, asking the appointment of commissioners to appraise the damages to the lands required for the purposes of the road.

Commissioners appointed for appraisal, &c.

SEC. 11. Upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners, for the appraisal of all such damages, taking into consideration the advantages as well as any injury to the parties

interested in such lands; said commissioners shall, by public notice, appoint a time and place, and may adjourn if necessary, for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and under oath impartially and justly to appraise the lands necessary for the use of said company, and faithfully perform the duties to the best of their judgment and ability. They, or a majority of them, shall make up and sign the awards to the parties, embracing a description of the lands and amount of the damages to each, and make a return of their doings to the judge of the district court. The commissioners making such appraisal shall be entitled to be paid for their services, three dollars per day, and ordinary travelling expenses, which shall be paid by said company.

Duties.

Salary of commissioners.

SEC. 12. If either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award is made known, by giving notice to that effect to the opposite party, otherwise both parties shall be bound by the award, and the amount shall be paid upon application of the persons entitled to receive the same. In case of an appeal, a bond shall be filed for the costs, in court, to be paid by the party who shall be entitled to pay the same, as determined by the court aforesaid.

Parties may appeal, if aggrieved.

Bond to be filed.

SEC. 13. In case of an appeal, or a disagreement in regard to the damages, the railroad company may occupy, for the purpose of construction of the road, by giving satisfactory security to the judge of said court for the ultimate payment of the damages so determined.

In case of appeal, &c.

SEC. 14. If any person shall carelessly, wilfully or maliciously hinder, delay or obstruct the workmen, or the passage of trains, or shall place any obstruction on the track, or in any manner injure or destroy any tools, cars or other property of said railroad, or pertaining to it, or aid or abet any person in the commission of such trespass, all such persons shall forfeit and pay said company, agents and servants, twice the damages, as shall be proven by any court, and shall be liable to indictment and imprisonment for a term not exceeding five years, in the discretion of the court who shall try the same.

If any person shall wilfully injure the road, &c.

SEC. 15. Said corporation shall, within reasonable time after said road or branches are definitely located, cause a map and profile to be made of the route of said road, and file the same in the office of the secretary of the territory.

Map to be filed, &c.

SEC. 16. When fifty thousand dollars shall have been subscribed to the capital stock, and ten per centum actually paid

Capital stock.

Payment of subscriptions, &c.

to the grantees herein named, and a certificate from a majority of them, duly authenticated, filed in the office of the secretary of the territory, they are authorized to organize the company and open books for further subscriptions, requiring payments or instalments from time to time ; and in case of refusal or neglect on the part of stockholders to make payment as required, the shares of such delinquents may, after thirty days' public notice, be sold at auction, and the surplus, if any, deducting payments and interest, to be paid to such stockholders.

Citizens of county or city wishing to subscribe, &c.

SEC. 17. When the citizens of any county or city of this territory are desirous of subscribing to the stock of said company, the citizens of such city or county are authorized to purchase, subscribe or hold shares, not exceeding one hundred thousand dollars in amount, as shall be determined by the county court or common council, making such subscription in all respects as stock owned by individuals ; and such railroad company may dispose of bonds issued for such stock by said county or council, upon such terms as may be necessary.

Subscriptions may be paid in land.

SEC. 18. Subscriptions to the stock of said company may be made in land in the same manner as in cash, and said company are hereby authorized to hold, purchase and convey the same as they may deem for their interest.

Company may issue bonds.

SEC. 19. The company are hereby authorized to issue bonds upon their roads, or hold and sell the same in such amounts, upon such terms above or below par, and at such rates of interest, as may be determined ; which shall be binding upon the parties interested.

May commence construction.

SEC. 20. The railroad company may commence the construction of the whole, or of any section of the road herein granted, not less than twenty miles in extent.

May make contracts with other railroads, &c.

SEC. 21. This company shall have power to make such contracts and arrangements with other railroads which connect with or intersect the same, as may be mutually agreed upon by the parties for bearing or running their roads, or any part thereof, in connection with roads in other states ; and shall be empowered to consolidate their property and stock with each other, such consolidation to take place whenever such companies shall respectively agree upon the terms and conditions ; and shall have all the powers, privileges and liabilities that they may hold by their separate charters, by filing a copy of such articles of consolidation in the office of the secretary of this territory.

Privileges of company.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Atchison and Lecompton Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. Ira Norris, Richard L. Kirk, Jas. H. Lucas, John Simonds, Samuel J. Jones, Aristides Rodrique, John Calhoun, James A. Headley, Samuel Dixon, and Wm. L. Challiss, with such other persons as may associate with them for that purpose, are hereby incorporated a body politic and corporate by the name of the "Atchison and Lecompton Railroad Company," and under that name and style shall be capable of suing and being sued, pleading and being impleaded, defending and being defended against, in law and equity, in all courts and places ; may make and use a common seal, and alter or renew the same at pleasure ; be capable of contracting and being contracted with, and are hereby invested with all the powers, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this act.

Names of corporators.

Powers of company.

SEC. 2. The said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, from the town of Atchison to a point on the Kansas river opposite the city of Lecompton.

Company authorized to survey.

SEC. 3. The said company is hereby authorized and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land, not exceeding one hundred feet in width, through its entire length, upon such route as may be determined ; and, for the purposes of depots, side tracks, cuttings and embankments, for building engine houses and shops, or wood and water stations, may take more land, earth or material as may be necessary for the construction or completion, operation, preserving and maintaining said road.

Of right of way.

SEC. 4. All such lands, materials and privileges as are mentioned in the preceding section, belonging to this territory, or

Road may cross other roads.

state hereafter, are hereby granted to such company for the purposes named in the preceding section ; and the said company may construct said road on or across other railroads, common roads, rivers or streams, which it may intersect ; but said company shall restore said railroad, common road, river or stream, thus intersected, in sufficient manner not to materially impair its usefulness.

Capital stock

SEC. 5. The capital stock of said company shall be one million of dollars, which may be increased from time to time to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, and issued and transferred as may be ordered by the directors or laws of said company.

Corporate powers vested in a board of directors.

SEC. 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of thirteen persons, stockholders, at least three of whom shall be residents of Kansas, who shall be chosen annually by the stockholders, each share having one vote by person or proxy, and continue in office until their successors are elected and qualified. Vacancies in the board may be filled by a vote of two-thirds of the remaining directors.

Vacancies in board.

Powers of president and directors for surveying.

SEC. 7. The president and directors, for the time being, are hereby empowered, or their officers or agents, to execute all the powers herein granted, for the purpose of surveying, locating, constructing and operating said railroad and branches, and for transportation of persons, goods and merchandise, and authority for the control and management of the affairs, as may be necessary to carry into effect the intent of this act.

May make by-laws.

SEC. 8. The said company shall have power to make, ordain and establish such by-laws, rules and regulations as may be deemed expedient for the objects and interests of the company, provided they be not inconsistent with the laws of the United States or of this territory. They shall have power to establish such rates for transportation and collect the same, and matters and things respecting the use of said road, and the transportation of persons or property, as may be necessary.

Proviso.

Rates of transportation.

May enter upon any land for exploration, &c.

SEC. 9. It may be lawful for said railroad company, their agent or engineer, for the purpose of exploring, surveying or locating said road, to enter upon any land, doing no unnecessary damage, without the consent of the owner ; and may acquire by release, donation or otherwise, any lands, and may

hold the same or convey to others, or use the same in any manner deemed for the interest of said company.

SEC. 10. If said company can not obtain the right of way by purchase or otherwise, or if the owners refuse to agree upon terms, or where the owner is unknown, non-resident, idiot, or under age, either party may make application to the judge of the probate court where the lands are situated, upon notice posted ten days in some public place, asking the appointment of commissioners to appraise the damage to the lands required for the purpose of the road.

If they can not obtain right of way, &c.

SEC. 11. Upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking into consideration the advantages as well as any injury to the parties interested in such lands; said commissioners shall, by public notice, appoint a time and place, and may adjourn if necessary, for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and under oath impartially and justly to appraise the lands necessary for the use of said company, and faithfully perform the duty to the best of their judgment and ability. They, or a majority of them, shall make up and sign the awards to the parties, embracing a description of the lands and amount of damages to each, and make a return of their doings to the judge of the probate court. The commissioners making such appraisal shall be entitled to be paid for their services three dollars per day, and ordinary travelling expenses, which shall be paid by said company.

Commissioners appointed for appraisal of damages, &c.

Duties.

Salary of assessors.

SEC. 12. If either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award is made known, by giving notice to that effect to the opposite party, otherwise both parties shall be bound by the award, and the amount shall be paid upon application of the person entitled to receive the same. In case of appeal, a bond shall be filed for the costs in court, to be paid by the party who shall be entitled to pay the same as determined by the court aforesaid.

If parties are aggrieved by appraisal, &c., may appeal.

Filing of bond.

SEC. 13. In case of appeal or disagreement in regard to the damages, the railroad company may occupy, for the purpose of construction of the road, by giving satisfactory security to the judge of said court for the ultimate payment of the damages so determined.

In case of appeal, &c.

SEC. 14. Said corporation shall, within a reasonable time after said road or branches are definitely located, cause a map

Map of road.

and profile to be made of the route of said road, and file the same in the office of the secretary of the territory.

Subscription to capital stock, &c.

SEC. 15. When fifty thousand dollars shall have been subscribed to the capital stock and ten per centum actually paid to the grantees herein named, and a certificate from a majority of them, duly authenticated, filed in the office of the secretary of the territory, they are authorized to organize the company and open books for further subscriptions, requiring payments or instalments from time to time; and in case of refusal or neglect on the part of stockholders to make payment as required, the shares of such delinquents may, after thirty days' public notice, be sold at auction, and the surplus, if any, deducting payments and interest, to be paid to such stockholders.

Payment of subscriptions.

Citizens of any county, &c., desirous of subscribing.

SEC. 16. When the citizens of any county or city of this territory are desirous of subscribing to the stock of said company, the citizens of such city or county are authorized to purchase, subscribe or hold shares, not exceeding one hundred thousand dollars in amount, as shall be determined by the county court or common council, making such subscription in all respects as stock owned by individuals; and such railroad company may dispose of bonds issued for such stock by said county or council, upon such terms as may be necessary.

Subscriptions may be made in lands.

SEC. 17. Subscriptions to the stock of said company may be made in lands in the same manner as in cash, and said company are hereby authorized to hold, purchase and convey the same as they may deem for their interest.

May issue bonds.

SEC. 18. The company are hereby authorized to issue bonds upon their road, or hold and sell the same, in such amounts, upon such terms above or below par, and at such rates of interest, as may be determined, which shall be binding upon the parties interested; *Provided, however*, that no bonds shall be issued for a less sum than five hundred dollars.

Proviso.

Time of construction.

SEC. 19. Said company shall commence the construction of said road within ten years after the passage of this act, and shall complete the same within twenty years thereafter.

Company has power to make contracts with other roads, &c.

SEC. 20. This company shall have the power to make such contracts and arrangements with other railroads, which connect with or intersect the same, as may be mutually agreed upon by the parties for bearing or running their roads, or any part thereof, in connection with roads in other states, and shall be empowered to consolidate their property stock with each other, such consolidation to take place whenever such companies

shall respectively agree upon the terms and conditions; and shall have all powers, privileges and liabilities that they may hold by their separate charters, by filing a copy of such articles of consolidation in the office of the secretary of this territory.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Central Railroad Company of Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. A company is hereby incorporated called the "Kansas Central Railroad Company," the capital stock of which shall be five millions of dollars, to be divided into shares of one hundred dollars each; the holders of which, their successors and assigns, shall constitute a body politic and corporate, and by the name aforesaid shall have continual succession, may sue and be sued, plead and be impleaded, defend and be defended against, and may make and use a common seal, and shall be able in law and equity to make contracts; may take, hold, use, possess and enjoy the fee simple or other title in and to any real estate, and may sell and dispose of the same; may make by-laws, rules and regulations proper for carrying into effect the provisions of this act, not repugnant to the constitution or laws of the United States or of this territory, and shall have the usual and necessary powers of companies for such purposes.

Name of company.
Capital stock.

Powers.

By-laws.

SEC. 2. Aristides Rodrique, William P. Richardson, A. M. Mitchell, Robert M. Stuart, John Corby, John W. Forman, Andrew G. Page, John P. Wood, Daniel Woodson, and Richard Rose, shall constitute the first board of directors under this act, and shall hold their offices until their successors shall be qualified; they shall meet at such time and place as shall be designated by a majority of them, and organize as a board of directors; and when organized they shall cause books to be opened for subscription of the capital stock of said company, at such times and places as they may designate, under the supervision of such person or persons as they may appoint, and may continue them open so long as they may deem proper, and may

Names of corporators.

Board of directors.

Subscription books.

re-open such books, when necessary, until the whole stock shall be subscribed.

When directors shall be elected.

SEC. 3. So soon as five hundred shares shall be subscribed, the directors shall cause an election to be held for nine directors, at such time and place as they may appoint, and give notice thereof by newspaper publication in two or more public newspapers.

Election of directors.

SEC. 4. An election for nine directors shall be held on the first Monday in April in each year ; and if not held on that day, an election may be held at any other time that the directors may designate. The election shall be held under the supervision of one or more of the stockholders, and the persons receiving the highest number of votes shall be elected, and shall be continued in office till their successors be qualified. Every stockholder shall be entitled to one vote for each share held by him, and he may vote by proxy. Soon after their election the directors shall meet and elect one of their number president, who shall hold his office for the term for which he was elected director, and until his successor shall be qualified.

President of directors.

Duties of directors.

SEC. 5. The directors shall appoint agents, clerks, engineers, superintendents, and other officers and servants, for said company ; shall keep a journal of their proceedings ; shall cause correct books and accounts to be kept ; may determine by law what number of directors shall constitute a quorum ; may appoint committees, and fill all vacancies in any office under said company. They shall fix the salaries of the president and other officers and agents ; they shall take security from their officers and agents, and may adopt such measures and do such acts as will be best calculated to promote the prosperity and usefulness of said company.

Of payment of subscriptions.

SEC. 6. The directors shall make and advertise calls for the payment of the capital stock, at such time and in such manner as they may deem proper ; and if any stockholder shall fail to pay such requisition within ten days after the appointed time, the said company may recover the same with interest, and, if not collected, may declare the stock forfeited and sell the same; and no delinquent stockholder shall vote in said company.

Company has full power to survey, locate, &c.

SEC. 7. Said company shall have full power to survey, mark out, locate and construct a railroad from the western boundary of the state of Missouri, at Roseport, on the Missouri river, opposite the city of St. Joseph, to the city of Lecompton ; and from thence south, by way of the Neosho valley, to the south line of the territory, in the direction of Galveston bay ; and for

that purpose may hold a strip of land, not exceeding one hundred feet wide; and may also hold sufficient lands for the construction of depots, warehouses and water stations, and may select such route as may be deemed most advantageous, and may extend branch railroads to any point in any of the counties in which said road may be located.

SEC. 8. Said company may take voluntary relinquishments of the right of way for said road, and the necessary water stations and depots; and if the land through which such road shall pass shall belong to minors, in whole or in part, the guardian or curator of such minors shall have power to convey to said company so much of the land as may be necessary for the purposes aforesaid, on fair and equitable terms; but every such conveyance by a guardian shall be subject to the approval or rejection of the probate court in which such guardianship is pending.

Of right of way.

SEC. 9. If any owner of any tract of land through which said railroad shall pass, shall refuse to relinquish the right of way for said road to said company, or if the persons be infants, or persons of unsound mind, or non-residents of the territory, the facts of the case shall be specifically stated to the judge of the district or probate court of the county in which such lands are situated; and said judge shall appoint three disinterested persons, citizens of the county, to view said lands, who shall take into consideration the value of the land and the advantages and disadvantages of the proposed road to the same, and shall report under oath what damages will be done to said land, or any improvement thereon, stating the amount of damages assessed, and shall return a plat of the land thus condemned; notice of such application to such judge shall be given to the owner of such lands five days before making such application, if such owner reside in the territory, or to his guardian; and if such owner be a non-resident of this territory, he may be served with actual notice, or by an advertisement for four weeks in some newspaper published in this territory.

If company can not purchase right of way.

Commissioners appointed.

Duties.

SEC. 10. The persons appointed to view and value such lands shall file their report and plat in the office of the clerk of the district or probate court in which the land, or part thereof, is situated; and if no valid objections be made to said report, the court shall enter judgment against said company for the amount of damages so assessed, and shall make an order vesting in said company the fee simple title of the land in such plat and report described. Objections to such report must be

Assessors shall file report.

Objections to report.

Duties of judge.

filed within ten days after the same shall be filed, which objections shall be examined by said judge, in term time or vacation; and he may hear testimony, and by judgment confirm said report, or he may set the same aside, and appoint three other viewers, who shall proceed in the same manner, and make their report until their report shall be confirmed. In all such cases the court shall have power to make such orders, and take such other steps, as will promote the ends of justice between the owners of said land and said company.

Road may cross other roads.

SEC. 11. Said company may build said road along or across any territorial or county road, or the streets of any town or city, and over any stream or highway; but whenever said road shall cross any territorial or county road, said company shall keep good and sufficient causeways, or other adequate facilities for crossing the same; and said railroad shall not be so constructed as to prevent the public from using any road, street or highway, along or across which it may pass; and when said railroad shall be built across any navigable stream, said company shall erect a bridge sufficiently high on which to cross, or shall construct a draw-bridge, so that in no case shall the free navigation of such stream be obstructed.

Navigation shall not be obstructed.

Time of construction.

SEC. 12. Said company shall commence the construction of said road within seven years, and shall complete the same within ten years thereafter; and said company shall have general power to use, manage, control and enjoy said railroad; shall determine what kind of carriages shall be used thereon, and by whom and in what manner; and shall determine the terms, conditions and manner in which merchandise, property and passengers shall be transported thereon; and shall have power to construct and keep such turnouts, gates, bridges, culverts, toll-houses, depots, warehouses, causeways, and other buildings, machinery and other fixtures as may be necessary.

Powers of company.

Dividend of profits.

SEC. 13. Dividends of the profits of said company shall be made annually, or oftener if necessary; but the directors may reserve or set apart a portion of the profits as a contingent fund, to meet expenses and losses.

Annual report.

SEC. 14. At every annual meeting of said company the directors shall make to the stockholders an exhibit of the affairs and condition of the company; one-seventh part in interest of all the stockholders may call a meeting, by giving four weeks' notice in any newspaper printed in the territory.

Map shall be filed.

SEC. 15. When said road shall be completed, the company shall file a plat thereof in the office of the secretary of the ter-

ritory ; and the legislature may at any time require a statement from the company as to the progress of the work, the amount of business and the receipts of the company, and the books and accounts may at any time be investigated by a committee appointed by the legislative assembly.

SEC. 16. Whenever any person shall cease to be a stockholder he shall cease to be a member.

Persons ceasing to be stockholders.

SEC. 17. If any person shall wilfully injure, obstruct or destroy said railroad, or shall break, destroy or deface any work, edifice or other improvement of said company, he shall be considered guilty of a criminal offence, and shall be punished in such manner as shall be prescribed by law, and shall also be liable to said company for the damages by it sustained.

Any person injuring the road.

SEC. 18. The operations of said company shall be confined to the general business of locating, constructing, managing and using said road, and the acts necessary and proper to carry the same into successful operation, and for such purpose, and for no other, said company shall have power to extend their capital, receive and hold loans, gifts, grants and donations of land, money or bonds, in any quantity, from this territory or from the United States ; and may sell, convey, pledge, mortgage, or otherwise dispose of said lands, or any part thereof, and apply the proceeds to the construction of said road and branches, and the benefit of said company.

Limitation of operations.

SEC. 19. That sections seven and thirteen, of article first, and so much of section eleven, article second, as relates to " stock owned," of " An act concerning corporations," shall not apply to this act.

Certain sections of articles first and second do not apply to this act.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Missouri River and Nemaha Valley Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. A company is hereby incorporated called the "Missouri River and Nemaha Valley Railroad Company," the capital stock of which shall be five millions of dollars, to be

Name of corporation ; capital stock.

Powers of company.

This act not to conflict with constitution of U. S.

Names of incorporators.

Board of directors.

Subscriptions.

Directors shall be elected.

Election of directors.

divided into shares of one hundred dollars each, the holders of which, their successors and assigns, shall constitute a body corporate and politic, and by the name aforesaid shall have continual succession, may sue and be sued, plead and be impleaded, defend and be defended against; and may make and use a common seal, and change and alter the same; and shall be able in law and in equity to make contracts; may take, hold, use, and possess and enjoy the fee simple or other title in and to any real estate, for the purpose of said railroad, and may sell, convey, pledge, mortgage or dispose of the same; may make by-laws, rules, and regulations, proper and necessary for carrying into effect the provisions of this act, not repugnant with the constitution of the United States or of this territory, and shall have the usual and necessary powers of companies for such purposes.

SEC. 2. Cyrus Dolman, B. F. Matthews, J. A. Dolman, R. M. Stewart, Lucian J. Eastin, T. W. Waterson, Wilson Shannon, R. R. Rees, John Calhoun, Norman Cutter and Fielding Burnes, or a majority of them, shall be the first board of directors under this act, and shall hold their office until their successors shall be qualified. They shall, within ten years from the date of the passage of this act, meet at such time and place as shall be designated by any three of them, and organize as a board of directors; and when organized, they shall cause books to be opened for the subscription of the capital stock of said company, at such time and place as they may designate, under the supervision of such persons as they may appoint, and may continue them open as long as they may deem proper, and may reopen such books, when necessary, until the whole stock shall be subscribed.

SEC. 3. So soon as one thousand shares shall be subscribed, the directors shall cause an election to be held for nine directors, at such time and place as they may appoint, and give notice of the same in two or more public newspapers.

SEC. 4. An election for nine directors shall be held on the first Monday in June in each year, and if not held on that day, an election may be held at any other time that the directors shall designate; the election shall be held under the supervision of one or more of the stockholders, and the persons receiving the highest number of votes shall be elected, and shall continue in office until their successors be qualified. Every stockholder shall be entitled to one vote for each share held by

him, and he may vote by proxy. Soon after their election the directors shall meet and elect one of their number president, who shall hold his office for the term which he was elected director, and until his successor shall be qualified.

President of directors.

SEC. 5. The directors shall appoint agents, clerks, engineers, superintendents, and other officers and servants for said company; shall keep a journal of their proceedings; shall cause correct books and accounts to be kept. They may determine by law what number of directors shall constitute a quorum, and may appoint committees, fill all vacancies in any office under said company; they shall fix the salaries of the president, and the officers and agents; they may take security from their officers and agents, and may adopt such measures and do such acts as shall be best calculated to promote the prosperity and usefulness of said company.

Duties of directors.

SEC. 6. The directors shall make and advertise calls for the payment of the capital stock at such times and in such manner as they may deem proper; and if any stockholder shall fail to pay any such requisition within ten days after the time appointed, the said company may recover the same with interest; and if not collected, may declare the stock forfeited and sell the same; and no delinquent stockholder shall vote in said company.

Of payment of subscriptions.

SEC. 7. Said company shall have full power to survey, mark, locate and construct a railroad from some point on the Missouri river, within the limits of Doniphan county, passing up the divide in a westwardly direction between the waters of the Missouri and Kansas rivers, with a view that the same may be hereafter continued westwardly into the territory of Nebraska, in the direction of Fort Kearney, and for that purpose may hold a strip of land not exceeding one hundred feet in width, with as many sets of tracks as the said president and directors may deem necessary; *Provided*, that in passing hills or valleys the said company are authorized to extend said width in order to effect said object; and may also hold sufficient land for the erection of depots, warehouses and water stations, and may extend a branch of said railroad so as to intersect any railroad passing through said territory.

Company have power to survey, &c.

Proviso.

SEC. 8. Said company may take voluntary relinquishments of the right of way for said road, and the necessary depots and water stations, and shall be entitled to all the privileges usually granted to other railroads within this territory.

May have right of way, &c.

SEC. 9. Said company shall commence the construction

When road must be constructed.

Powers of company

Of tolls.

Dividends of profits.

Person ceasing to be a stockholder.

Any person willfully injuring road, &c.

Stock considered personal property, &c.

In case the election of directors is not made at proper time.

Company may hold loans, gifts, &c.

of said road within seven years, and shall complete the same within twenty years thereafter; and said company shall have general power to use, manage, control and enjoy said road; shall determine what kind of carriages shall be used thereon, and by whom and in what manner; and shall determine the terms, conditions and manner in which merchandise, property and passengers shall be transported; and shall have power to construct and keep such turn-outs, gates, bridges, culverts, toll-houses, depots, warehouses, causeways, and other buildings, machinery and fixtures, as may be necessary. Said company may receive such tolls and freights as may be determined upon by the directors.

SEC. 10. Dividends of the profits of said company shall be made annually or oftener, if necessary, but the directors may reserve or set apart a portion of the profits as a contingent fund to meet expenses and losses.

SEC. 11. When any person shall cease to be a stockholder, he shall cease to be a member of said company.

SEC. 12. If any person shall wilfully injure, obstruct, or destroy said railroad, or shall break, destroy, or deface any work, edifice, or other fixtures or improvements belonging to said company, he shall be considered guilty of an offence, and shall be punished in such manner as shall be prescribed by law, and shall also be liable to said company for all damages by it sustained.

SEC. 13. The stock of said company shall be considered personal property, and shall be assignable and transferable according to such rules and restrictions as the board of directors shall from time to time make and establish, subject, however, to the laws of the territory, as the same may exist or be changed hereafter. In case that it shall happen at any time that an election of directors shall not be made on any day, when, pursuant to this act, or any regulations of said company, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to make and hold an election of directors in such manner as shall be regulated by the by-laws and ordinances of the company.

SEC. 14. Said company shall have power to receive and hold loans, gifts, grants and donations of lands, money, or bonds, in any quantity, from this territory or the United States, and may sell, convey, pledge, mortgage, or otherwise dispose of said

lands, money or bonds, or any part thereof, and apply the proceeds of the same to the construction of said railroad.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the St. Joseph and St. George Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That John Corby, Joseph Hall, J. J. Boyd and John Curd, of St. Joseph, Mo. ; Wm. M. Samuel and Zachariah Draper, of Hannibal, Mo., and J. D. Adams, Charles Jenkins and John A. J. Chapman, of St. George, Kansas territory, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned ; that is to say, they shall procure one or more books, and therein enter as follows : " We, whose names are hereunto subscribed, do promise to pay to the St. Joseph and St. George Railroad Company the sum of one hundred dollars for every share of stock in the said company set opposite to our names respectively, in such manner and proportion, and at such times and places as shall be determined by the president and directors of said company, in pursuance of an act of the legislative assembly of Kansas territory, entitled " An act to incorporate the St. Joseph and St. George Railroad Company," and thereupon shall proceed to receive such subscriptions for the stock of said company, at such times and places as they may think proper ; *Provided, always,* that every person so subscribing shall previously pay to the attending commissioners five dollars for every share so subscribed, out of which shall be paid the expenses of taking said subscriptions, and the remainder paid over to the treasurer of the company as soon as the same shall have been organized agreeably to the provisions of this act.

Names of commissioners.

Duties of commissioners.

Proviso.

SEC. 2. That when ten or more persons shall have subscribed five hundred shares of the said stock, the said commissioners shall make duplicate certificates, under their hands and seals, of the names of the subscribers and the number of shares subscribed by each ; one of which certificates shall be filed in the office of the secretary of the territory, and recorded in the ex-

When a number of shares have been subscribed.

Name of incorporation.

Powers of corporation.

Notice of election for officers.

Time of election.

Board of directors.

Of certificates of shares of stock.

ecutive minutes, and the other shall be entered on the books of the company; and thereupon the said subscribers shall be, and hereby are, incorporated into a body corporate or politic, in deed and in law, by the name of the St. Joseph and St. George Railroad Company, and by that name shall have perpetual succession, with all privileges and franchises incident to an incorporated body; and shall be capable of taking and holding said stock, together with the increase and profits thereof, and of enlarging the same from time to time in such manner and form as they shall think proper for the purpose of carrying out the true intent of this act; of taking, purchasing, and holding, to them and their successors, in fee simple, or for any less estate, all such lands, tenements and hereditaments, real and personal, as shall be necessary or convenient in the prosecution of their work, and the same to sell and dispose of at pleasure; of suing and being sued, pleading and being impleaded, defending and being defended, and all and every other matter or thing which a corporate or body politic may lawfully do; and a certified copy of said certificate, under the hand and seal of the secretary of the territory, shall be at all times evidence of a compliance with this section.

SEC. 3. That any five of the persons named in this act of incorporation, so soon as conveniently may be after the aforesaid amount of stock shall have been subscribed, shall give notice in two newspapers published in this territory, and the same in Missouri, of a time and place to be by them appointed, not less than sixty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said company, and shall choose by a majority of votes of said subscribers, by ballot, either by proxy or in person, one president, nine directors, one treasurer, and such other officers as they may think necessary to conduct the business of said company for one year; and thereafter an election shall be held annually for an election of said officers, to be conducted in a manner prescribed by the company's by-laws: *Provided*, that every shareholder shall be entitled to one vote for each share of stock so held.

SEC. 4. That the president and directors first chosen shall procure printed certificates for all the shares of the stock of said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each subscriber, for the

share or shares held by him, on paying to the treasurer the amount of such share or shares so held, which certificate shall be transferable at pleasure, in person or by attorney, in the presence of the president or treasurer; and the assignee holding such certificate, having first caused the assignment to be entered on the books of the company, shall become a member of the corporation.

SEC. 5. That the president and directors shall meet at such times and places, and be convened in such manner as shall be prescribed by by-laws, for transacting their business, and at such meeting seven members shall constitute a quorum, who, in the absence of the president, may choose from among themselves a chairman, and thereupon proceed to transact any or all such business as is demanded for the welfare of the company, minutes of which shall be entered in a book kept for that purpose.

Of meetings of president and board of directors.

SEC. 6. That if any stockholder, after sixty days' notice given in any two newspapers published in this territory, and the like number in Missouri, of the time and place of paying any instalment that may be called for, shall neglect to pay such instalment for the space of ninety days after the time so appointed, every such stockholder shall, in addition to the instalment called for, pay interest on the same at the rate of two per centum per month for each and every delay of such payment; and if the same and additional penalties shall remain unpaid for such a space of time, that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons, for such price as can be obtained therefor.

Of the payment of instalments, &c.

SEC. 7. That said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, from a point on the bank of the Missouri river opposite to the town of St. Joseph, in Missouri, to the town of St. George, on the Kansas river, in this territory.

Company is authorized to survey, &c.

SEC. 8. That said company are hereby authorized to hold, and shall have the right of way upon, and may appropriate to its sole use and benefit, for the purposes herein contemplated, land, not exceeding one hundred feet in width, through its entire length, upon such route as may be determined; and, for the purpose of depots, side-tracks, building engine houses and shops, or wood and water stations, may take more land,

Shall have right of way, &c.

earth or material of any kind that may be necessary for the construction and completion, operating, preserving, or maintaining said road.

Lands, materials, &c., granted.

Road may cross other roads.

SEC. 9. All such lands, materials and privileges belonging to this territory, or state hereafter, are hereby granted to said company for the purposes named in the previous section; and may construct said road on or across other railroads, common roads, rivers or streams, which it may intersect; but said company shall restore said railroad, common road, river or stream, thus intercepted, in a manner not to materially impair its usefulness.

Powers of directors.

SEC. 10. The president and directors, for the time being, are hereby empowered, or their officers or agents, to execute all the powers herein granted for the purpose of surveying, locating, constructing and operating said railroad, and for transporting persons, goods and merchandise, and authority of contract and management of the affairs, as may be necessary to carry into effect the true intent of this act.

Company may make by-laws, &c.

SEC. 11. The said company shall have power to make, ordain and establish all by-laws, rules and regulations deemed expedient for the objects and interest of the company, provided they be not inconsistent with the constitution and laws of the United States or of this territory. They shall have power to establish such rates for transportation, and collect the same, and all matters and things respecting the use of said road.

Rates of transportation.

Company may enter upon any land for exploration, &c.

SEC. 12. That the said company's agents or engineers, for the purpose of exploring, surveying and locating said road, may enter upon the lands of any person or persons (doing no unnecessary injury) without the consent of the owner; and may acquire by release, donation, or otherwise, any lands, and may hold the same, or convey to others, in any manner deemed for the interest of said company.

If right of way can not be obtained.

SEC. 13. If said company can not obtain the right of way by purchase or otherwise, or where the owner is unknown, non-resident, idiot, or under age, either party may make application to the judge of the district court where the lands are situated, upon notice posted ten days in some public place, asking the appointment of commissioners to appraise the damage to the lands required for the purpose of the road; whereupon said judge shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages. Said commissioners shall, by public notice, appoint a time and place (and may ad-

Commissioners appointed.

journal if necessary) for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and under oath impartially and justly to appraise the lands necessary for the use of said company, and faithfully to perform the duty to the best of their judgment and ability. They, or a majority of them, shall make up and sign the award to the parties, embracing a description of the lands and the amount of damages, and make a return of the same to the judge of the district court; said commissioners shall be entitled to pay for their services, three dollars per day and ordinary travelling expenses, which shall be paid by said company.

Duties.

Salary of commissioners.

SEC. 14. If either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award has been made known, by giving notice to that effect to the opposite party, otherwise both parties shall be bound by the award, and the amount shall be paid upon the application of the person entitled to receive the same. In case of appeal, a bond shall be filed for the costs in court, to be paid by the party who shall be entitled to pay the same, as determined by the court aforesaid; but, in any case, the railroad company may occupy said land for the purpose of constructing said road, by giving satisfactory security to the judge of said court for the ultimate payment of damages, to be determined.

If parties feel aggrieved by appraisal, may appeal, &c.

Filing of bonds.

SEC. 15. If any person shall carelessly, wilfully or maliciously hinder, delay, or obstruct the workmen, or the passage of trains, or shall place any obstruction on the track of said road, or in any manner aid or abet others in the commission of such acts, all such persons shall be liable to indictment and imprisonment for a term not exceeding five years, as well as to forfeit and pay to said company treble the damages as shall be proven before any court.

Any person wilfully injuring the road.

SEC. 16. Said corporation shall, within a reasonable time after their road is located, cause a map and profile to be made of the route, and file the same with the secretary of the territory.

Map of road.

SEC. 17. Any county or city, in their corporate capacity, may, through their agents or servants, subscribe for the stock of said company, not to exceed one hundred thousand dollars in amount; and the said railroad company may dispose of the bonds issued by said corporation for their stock, upon such terms as they may think proper.

Any county or city wishing to subscribe.

SEC. 18. Subscriptions to the stock of said company may

Subscriptions
may be made in
land.

be made in lands in the same manner as in money, and said company are hereby authorized to hold or convey the same as they may deem for their interest.

Company may
issue bonds.

SEC. 19. The company are hereby authorized to issue bonds upon their road, and to sell the same in such manner and on such terms as may be thought most conducive to the interest of said company; *Provided, however,* that no bonds shall be issued for a less sum than five hundred dollars.

Proviso.

Annual report.

SEC. 20. At every annual meeting, the directors shall make to the stockholders an exhibit of the affairs and condition of said company. One-tenth part in interest of all the stockholders may call a meeting by giving thirty days' notice in two newspapers printed in Missouri and the same in this territory.

Upon comple-
tion of road.

SEC. 21. Said company, upon the completion of said road, shall file a plat thereof in the office of the secretary of the territory; and the legislature may, at any time, require a statement from the company as to the progress of the work, the amount of business, and the receipts of the company; and the books and accounts of said company may, at any time, be investigated by a committee appointed by the general assembly of the territory or state, as the case may be; and the corporation shall make a report annually to the secretary of the territory or state, as the case may be, of the operations of the year ending on the first day of December, which report shall be verified by the oaths of the treasurer and acting superintendent of their operations, and filed in the office of the said secretary by the third Monday in December of each year.

Legislature may
demand a report.

Annual report of
corporation.

Company shall
have power to
hold loans, &c.

SEC. 22. Said company shall have power to receive and hold loans, gifts, grants, and donations of lands, money or bonds, in any quantity, from this territory or state, as the case may be, or from the United States; and may sell, convey, pledge, mortgage or otherwise dispose of the same, or any part thereof, and apply the proceeds to the construction of said road.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the St. Joseph and Topeka Railroad Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Milton C. Dickey, Thomas G. Thornton, Wilson Gordon, Loring Farnsworth, F. L. Crane, Joseph Miller, E. H. Penfield, John P. Wheeler, Stodard Gordon, John M. Coe, S. F. Walkley, S. E. Martin, Walter Oakley and John W. Farnsworth, with such other persons as may associate with them for that purpose, are hereby incorporated a body politic and corporate by the name of the "St. Joseph and Topeka Railroad Company," and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and equity, in all courts and places; may make and use a common seal, and alter or renew the same; be capable of contracting and being contracted with, and are hereby invested with all powers, privileges, immunities and franchises, and of acquiring by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this act.

Names of corporators of company.

Powers of company.

SEC. 2. The said company is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, from a point on the Missouri river opposite, or nearly opposite, the town of St. Joseph, in Missouri, to the town of Topeka, in Kansas territory.

Company authorized to survey.

SEC. 3. The said company are hereby authorized, and shall have the right of way upon, and may appropriate to its sole use and control, for the purposes contemplated herein, land, not exceeding one hundred feet in width, through the entire length of said road, upon such route as may be determined; and, for the purposes of depots, side-tracks, cuttings and embankments, for building engine houses and shops, or wood and water stations, may take more land, earth, or material, as may be necessary for the construction or completion, operation, preserving and maintaining said road.

Shall have right of way.

SEC. 4. All such lands, materials, and privileges, belonging to this territory, or state hereafter, are hereby granted to such railroad for the purposes named in the previous section; and may construct said road on or across other railroads,

May construct road across other roads.

common roads, rivers, or streams, which it may intersect, in sufficient manner not to materially impair its usefulness.

Capital stock.

SEC. 5. The capital stock of said corporation shall be one million and five hundred thousand dollars, which may be increased from time to time to any sum not exceeding the amount expended on account of said road, divided into shares of one hundred dollars each, which shall be deemed personal property, issued and transferred as may be ordered by the directors or laws of said company.

Shares deemed personal property.

Board of directors.

SEC. 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of thirteen persons, stockholders, three of whom at least shall be residents of Kansas, who shall be chosen annually by the stockholders, each share having one vote by person or proxy, and continue in office until their successors are elected and qualified; vacancies in the board may be filled by a vote of two-thirds of the remaining directors.

Vacancies in board.

Powers of directors.

SEC. 7. The president and directors, for the time being, are hereby empowered, or their officers or agents, to execute all the powers herein granted for the purpose of surveying, locating, constructing and operating said railroad and branches, and for transportation of persons, goods and merchandise, and authority of contract and management of the affairs as may be necessary to carry into effect the intent of this act.

May make by-laws.

SEC. 8. The said company shall have power to make, ordain and establish such by-laws, rules and regulations as may be deemed expedient for the objects and interests of the company, provided they be not inconsistent with the laws of the United States or of this territory. They shall have power to establish such rates for transportation and collect the same, and matters and things respecting the use of said road, the transportation of persons or property, as may be necessary.

Proviso.

May enter upon any land for the purpose of exploring.

SEC. 9. It may be lawful for said railroad company, their agent or engineer, for the purpose of exploring, surveying or locating said road, to enter upon any land, doing no unnecessary damage, without the consent of the owner, and may acquire by release, donation, or otherwise, any lands, and may hold the same or convey to others, or use the same in any manner deemed for the interests of said company.

If they cannot purchase right of way.

SEC. 10. If said company can not obtain the right of way by purchase or otherwise, or if the owners refuse to agree upon terms, or where the owner is unknown, non-resident, idiot,

or under age, either party may make application to the judge of the district where the lands are situated, upon notice posted ten days in some public place, asking the appointment of commissioners to appraise the damage to the lands required for the purpose of the road.

SEC. 11. Upon such application being made to such judge, he shall appoint three disinterested persons to act as commissioners for the appraisal of all such damages, taking into consideration the advantages as well as any injury to the parties interested in such lands ; said commissioners shall, by public notice, appoint a time and place, and may adjourn if necessary, for hearing the parties, and proceed to examine the lands, ascertain and determine the damages, if any, and under oath impartially and justly to appraise the lands necessary for the use of said company, and faithfully perform the duty to the best of their judgment and ability. They, or a majority of them, shall make up and sign the awards to the parties, embracing a description of the lands and amount of damages to each, and make a return of their doings to the judge of the district court. The commissioners making such appraisal shall be entitled to pay for their services of three dollars per day and ordinary travelling expenses, which shall be paid by said company.

Commissioners appointed for appraisal.

Duties

Salary of commissioners.

SEC. 12. If either party feel aggrieved by such appraisal or award, he may appeal within twenty days after such award is made known, by giving notice to that effect to the opposite party, otherwise both parties shall be bound by the award, and the amount shall be paid upon application of the persons entitled to receive the same. In case of appeal, a bond shall be filed for the costs, in court, to be paid by the party who shall be entitled to pay the same, as determined by the court aforesaid.

If either party is aggrieved, may appeal.

Bond shall be filed.

SEC. 13. In case of appeal or disagreement in regard to the damages, the railroad company may occupy, for the purpose of the construction of the road, by giving satisfactory security to the judge of said court for the ultimate payment of the damages so determined.

In case of appeal.

SEC. 14. If any person shall carelessly, wilfully or maliciously hinder, delay or obstruct the workmen, or the passage of trains, or shall place any obstruction on the track, or in any manner injure or destroy any tools, cars, or other property of said railroad, or pertaining to it, or aid or abet any person in the commission of such trespass, all such persons shall forfeit and pay

If any person shall injure in any way the road.

said company, agents or servants, treble the damages as shall be proven by any court, and shall be liable to indictment and imprisonment for a term not exceeding five years, in the discretion of the court who shall try the same. .

Map to be filed.

SEC. 15. Said corporation shall, within reasonable time after said road or branches are definitely located, cause a map and profile to be made of the route of said road, and file the same in the office of the secretary of the territory.

Subscriptions to capital stock.

SEC. 16. When fifty thousand dollars shall have been subscribed to the capital stock, and ten per centum actually paid to the grantees herein named, and a certificate from a majority of them duly authenticated, filed in the office of the secretary of this territory, they are authorized to organize the company and open books for further subscriptions, requiring payments or instalments from time to time; and in case of refusal or neglect on the part of stockholders to make payment as required, the shares of such delinquents may, after thirty days' public notice, be sold at auction, and the surplus, if any, deducting payments and interest, shall be paid to such stockholder.

Payment of subscriptions.

Citizens of any county wishing to become subscribers.

SEC. 17. When the citizens of any county or city of this territory are desirous of subscribing to the stock of said company, the citizens of such city or county are authorized to purchase, subscribe or hold shares, not exceeding one hundred thousand dollars in amount, as shall be determined by the county court or common council, making such subscription in all respects as stock owned by individuals; and such railroad company may dispose of bonds issued for such stock by said county or council, upon such terms as may be necessary.

Subscriptions may be paid in land.

SEC. 18. Subscriptions to the stock of said company may be made in land in the same manner as in cash, and said company are hereby authorized to hold, purchase and convey the same as they may deem for their interest.

May issue bonds.

SEC. 19. The company are hereby authorized to issue bonds upon their road, or hold and sell the same, in such amounts, upon such terms above or below par, and at such rates of interest as may be determined, which shall be binding upon the parties interested; *Provided*, however, that said bonds shall not be issued for a less sum than five hundred dollars.

Previous.

May make contracts with other railroads.

SEC. 20. This company shall have the power to make such contracts and arrangements with other railroads which connect with or intersect the same, as may be mutually agreed upon by

the parties for bearing or running their roads, or any part thereof, in connection with roads in other states; and shall be empowered to consolidate their property stock with each other, such consolidation to take place whenever such companies shall respectively agree upon the terms and conditions; and shall have all the powers, privileges and liabilities that they may hold by their separate charters, by filing a copy of such articles of consolidation in the office of the secretary of this territory.

Articles of consolidation.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

TOWN AND CITY CORPORATIONS.

AN ACT to incorporate the Leavenworth Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. William S. Yoke, Lorenzo D. Bird, James Hardesty, Amos Rees, Sackfield Maclin, John C. Gist, Samuel F. Few, Joseph Murphy, Joseph Evans, Oliver Deifendorf, and their associates, whose names are subscribed to the articles of association of the Leavenworth Town Association, located in Leavenworth county, Kansas territory, shall be and they are hereby incorporated and made a body corporate and politic by the name and style of the "Leavenworth Town Association," and by that name and style may, and shall do and perform all acts necessary and proper to carry out, and finally consummate, all the objects and purposes of said town association as expressed in their said articles and proceedings, as entered in their book of records. The said corporation shall make, execute, acknowledge and deliver deeds, and all proper conveyances, to the holders of all lots, or other real estate, within the limits of said town, as expressed on the map of said town, except on the south side, where Three-mile creek shall be the line. Said corporation, in its corporate name, shall fully carry out and perfect all contracts of the said association; shall collect all moneys, pay all debts, receive deeds and transfers of all property, real, personal or mixed; make deeds, transfers or conveyances of the same; may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered,

Names of corporators.

Powers of association.

Collection of moneys, &c.

in any court of law or equity of this territory or of the United States. And all deeds or assurances made, executed, acknowledged and delivered in said corporate name, shall fully convey all the right, title or interest, in law or equity, to the property therein specified, and shall vest such rights as fully as the individual members of said association might or could do.

Trustees to settle up, and consummate interests.

SEC. 2. The board of trustees, as now appointed by the said town association, and their successors in office, shall continue to settle up and finally consummate all the interests of said town association, and all the interests of all persons holding by, through or under them; shall fully carry out and perfect all the titles to all the property in said town; shall fulfill and comply with all contracts made; shall collect all moneys owing to, and pay all debts owing by said association, and shall close up finally said association according to the terms and requirements of its articles of association, and acts done under the same as recorded in the book of records, and all such other things as ought to be done; and for that purpose, and to that end, shall use and employ the corporate name as above expressed.

Trustees to make by-laws for management, &c.

SEC. 3. Said board of trustees shall have power to make such by-laws and regulations as may be necessary for the proper management of the affairs of said association, and may have and use a common seal, and alter the same at pleasure.

This act to take effect and be in force from and after its passage.

Approved January 28th, 1857.

AN ACT supplemental to an act entitled "An act to incorporate the City of Leavenworth, Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Boundary of Leavenworth city.

SECTION 1. That all that territory comprised within the following boundaries, to-wit, beginning in the middle of the main channel of the Missouri river, at the south-east corner of the incorporated city of Leavenworth, and running thence down said Missouri river, in the middle of the main channel thereof, to a point due east of the south-east corner of Fackler's addition to the city of Leavenworth; and running thence westwardly, parallel with the southern line of said incorporated city, to a point

which would be intersected by a continuation of the western line of said incorporated city; thence northwardly to the southwest corner of said city; thence eastwardly with the southern line of said city to the place of beginning, shall be added to and constitute a part of the incorporated city of Leavenworth; and all the laws and ordinances now in force in the city of Leavenworth shall be in full force and binding effect in and over the territory comprised within the boundaries aforesaid; and all the power, jurisdiction and authority of the mayor and other city officers of the said city of Leavenworth shall extend to and over the above bounded territory as fully and as absolutely, and to the same extent, as if the said territory had been originally embraced within said incorporation by the act to which this act is a supplement; and all the provisions of the act to which this act is supplemental shall be in full force over the above bounded territory, and the said incorporated city of Leavenworth and the territory by this act annexed and added thereto shall be and constitute the city of Leavenworth.

Laws and ordinances to be enforced.

Provisions.

This act to take effect and be in force from and after its passage.

Approved February 10th, 1857.

AN ACT to amend an act entitled "An act to incorporate the City of Leavenworth," Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, and it is hereby enacted by authority of the same:

SECTION 1. That so much of section twenty-second of the act entitled "An act to incorporate the city of Leavenworth, Kansas territory," as gives to and invests the mayor of said city with concurrent criminal jurisdiction with justices of the peace, in matters and cases arising within the corporate limits of the city, be and the same is hereby repealed.

Portion of the act of incorporation repealed.

SEC. 2. This act to take effect from and immediately after its passage; and all laws or parts militating against the same, be and are hereby repealed.

Approved February 23d, 1857.

AN ACT to amend an act entitled "An act to incorporate the City of Leavenworth.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Mayor to be justice of the peace.

SECTION 1. That the mayor of the city of Leavenworth shall, by virtue of his office, be a justice of the peace.

Time mayor shall reside in city.

SEC. 2. That the mayor of said city shall have resided in said city at least one year next preceding his election.

Proviso.

SEC. 3. Provided that nothing in this act shall be so construed as to confer upon the said mayor any criminal jurisdiction not before allowed by law.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Eudora Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporators.

SECTION 1. That P. M. Hodges, E. S. Wilhite, C. H. Grover, and J. W. Martin, their associates and successors, are hereby constituted and appointed a body politic and corporate by the name and style of the "Eudora Town Association," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts in this territory or elsewhere. Said association is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said association and the management of its affairs.

Powers of association.

By-laws, &c.

Power to purchase and hold land, &c.

SEC. 2. The corporation hereby created shall have power, jointly or severally, to purchase and hold, and severally to enter by pre-emption or otherwise any quantity of land, not exceeding one hundred and sixty acres each; and, if the said corporation shall so choose, to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same, whenever under the act of Congress of the United States, approved fourth September, A. D. 1841, or any other act of said Congress, they can legally do so.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers of said company as the laws of said company shall designate, which deeds shall be duly executed and acknowledged, as other conveyances of real estate, by such officers of said company as may be prescribed by the said by-laws; and when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Power to pass by-laws for election of officers.

SEC. 4. The said company shall have power to maintain, in any court of this territory, any action or actions for the possession of said quantity of six hundred and forty acres of land, or any part thereof, provided they, or any or either of them, locate said town of Eudora on the land of the United States, by staking the same off; and *Provided, further*, that said company, or any or either of them, shall not, by virtue of this act, locate said town of Eudora on any lands belonging to and the property of any Indian or Indian tribe, or which has been originally and previously actually settled by any other or others, as evidenced by any improvement, foundation, or stake, intended to indicate its previous selection, without the consent of such other or others.

Power to maintain action for possession of land.

Proviso.

SEC. 5. Nothing in this act which might or may be construed to impair the rights, either present or future, of said corporators severally to a pre-emption right, shall be of force.

Not to preclude pre-emption right.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Lexington Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. William Alley, J. S. Lumpkins, D. A. N. Grover, and R. S. Merchant, their associates, successors and assigns, are hereby constituted and appointed a body politic and corporate by the name and style of the "Lexington Town Association," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being im-

Names of incorporators.

Powers of association.

pleaded in all matters whatsoever, in all courts in this territory or elsewhere. Said association is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said association and the management of its affairs.

By laws, &c.

Power to purchase and hold land, &c.

SEC. 2. The corporation hereby created shall have power, jointly or severally, to purchase and hold, and severally to enter by pre-emption or otherwise, any quantity of land not exceeding one hundred and sixty acres each; and, if the said corporators shall so choose, to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same, whenever under the act of Congress of the United States, approved fourth of September, A. D. eighteen hundred and forty-one, or any other act of said Congress, they can legally do so.

Power to pass by-laws for election of officers, &c.

SEC. 3. The said corporation shall have power to pass by-laws for the election of such officers, and at such times, as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, as other conveyances of real estate, by such officers of said company as may be prescribed by the said by-laws; and when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Power to maintain action in any court.

Proviso.

SEC. 4. The said company shall have power to maintain, in any court of this territory, any action or actions for the possession of said quantity of six hundred and forty acres of land, or any part thereof; *Provided*, they, or any, or either of them, locate said town of Lexington on the land of the United States, by staking the same off; and *Provided, further*, that said company or any, or either of them, shall not, by virtue of this act, locate said town of Lexington on any lands belonging to, and the property of any Indian or Indian tribe, or which has been originally and previously actually settled by any other or others, as evidenced by any improvement, foundation, or stake, intended to indicate its previous selection, without the consent of such other or others.

SEC. 5. Nothing in this act which might or may be construed

to impair the rights, either present or future, of said corporators severally to a pre-emption right, shall be of force.

Not to exclude corporators from pre-emption right.

This act shall take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to amend an act entitled "An act to incorporate the City of Lecompton."

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That so much of the eighth section of the first article of the act to which this act is amendatory, as required that persons shall have resided within the city limits six months next preceding any election before they are entitled to vote for city officers, be and the same is hereby repealed; and hereafter all persons otherwise qualified, who shall have resided within the corporate limits of said city for three months next preceding any election for city officers, shall be entitled to vote at any such election.

Part of an act repealed.

SEC. 2. That all the duties, powers, authority and jurisdictions which are by said act conferred on the city recorder, as provided by the seventh article of the said act, shall, from and after this date, devolve upon the mayor of the city; and all the provisions of the said seventh article, inconsistent with the provisions of this section, be and the same are hereby repealed.

Duty of recorder to devolve upon mayor.

SEC. 3. That wherever the word recorder occurs in this act, it shall be understood to mean the mayor of said city.

Recorder to mean mayor.

SEC. 4. The board of councilmen shall elect a president *pro. tem.*, one of their body, who shall, in the absence or sickness of the mayor, have and exercise all the powers and duties of mayor, and have all the jurisdiction hereby conferred upon the mayor, and be subject to the same penalties for any dereliction of duty.

Board of councilmen to elect a president pro. tem.

SEC. 5. All the acts of the mayor, recorder, and board of councilmen of said city, heretofore had and done, are hereby declared to be legal and of binding force. And the election, appointment and qualification of all the officers of said city is hereby legalized, and the powers granted to them by the charter of said city shall be as valid as if said election had been

Acts of mayor, recorder, &c., declared legal.

conducted, or appointment made, in accordance with the act of incorporation.

Repeal.

SEC. 6. All the provisions of the act to which this act is amendatory, inconsistent with the provisions of this act, are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Lecompton Improvement Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Corporators of
company and their
powers, privi-
leges, &c.

SECTION 1. That Charles H. Grover, Aristides Rodrique, Ely Moore, Jr., Robert S. Stevens, James H. Rucker and Samuel J. Cramer, and their associates and successors, are hereby constituted a body politic and corporate, in law and in fact, by the name and style of the Lecompton Improvement Association, and by that name shall have perpetual succession ; may sue and be sued, plead and be impleaded, defend and be defended against ; may make and use a common seal, and alter the same at pleasure ; shall, by the name and style aforesaid, be able and capable of purchasing, receiving, holding, having and enjoying, to the use of said association, lands, tenements, hereditaments, annuities, moneys, goods and chattels, of whatsoever nature, kind and quality, real, personal and mixed, for carrying on the business of said association, or chosing in action, and the same, from time to time, at their pleasure, to sell, alien, demise, dispose of and convey in such manner and form as shall be provided by the by-laws of said association ; shall have power to erect buildings and manufacture all the materials necessary thereto ; also, to build bridges, construct drains, sewers, culverts and levees, and grade streets ; to make and execute, or cause to be executed, and perform, such laws, rules, regulations and contracts, and the same to alter, amend or repeal, as the said association, by its officers, shall deem proper and expedient for the government and conducting of the business of the said association ; and generally to do all and singular the matters and things for the well being of the association and the management of its affairs.

Of the capital
stock.

SEC. 2. The capital stock of said association shall be twenty-

five thousand dollars, which shall be divided into shares of one hundred dollars each, and may be increased whenever the holders of at least two-thirds of the stock shall, by vote, so direct. The stock shall be deemed personal property, and shall be transferable in such manner as its by-laws prescribe.

SEC. 3. The management of the affairs of said company shall be entrusted to a board of five directors, to be selected by the stockholders in such manner as shall be prescribed by the by-laws, who shall hold their office until their successors are duly elected; any vacancies occurring in the board of directors may be filled by appointment by said board for the unexpired term; said board shall elect one of their number president, who, when present, shall preside at all meetings of said board; the said directors shall also have power to appoint a secretary and treasurer.

Of directors and
their election.

SEC. 4. Such time and place as a majority of the corporators named in this act shall, in writing, appoint, books shall be opened for subscription to the capital stock; and when at least one hundred shares shall have been subscribed for, the said corporators, or a majority of them, shall appoint a time and place for the election of directors, and shall give written or printed notice thereof to each subscriber, personally or through the post-office, at least ten days before the day so appointed.

Time of election.

SEC. 5. Nothing within this act shall be so construed as to allow said association to purchase and hold, or sell real estate for the mere purpose of speculation, aside from what they may acquire or purchase to secure debts due the association, or upon which they may have a lien, acquired in the transaction of the business of said association.

Can not pur-
chase real estate
for mere specula-
tion.

This act shall take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Inhabitants of the Town of Doniphan, in Doniphan County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. The inhabitants of all that country comprised within the limits of the town of Doniphan, in Doniphan county, shall be and they are hereby incorporated under the name and

Corporate pow-
ers and authori-
ty.

style of the "Inhabitants of the Town of Doniphan," and by that name shall have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all matters whatsoever; may grant, purchase, receive and hold property, real, personal and mixed, within said town; or may purchase or receive, by donation or otherwise, any amount of land, anywhere within three miles of said town, necessary for the purpose of a burying ground, and may, by said name, do all acts as natural persons; may have a common seal, and may alter or change the same at pleasure.

Vested in a
board of trustees.

SEC. 2. The corporate powers and authority of said incorporation are hereby vested in a board of trustees, to be called the "Board of Trustees of the Inhabitants of the Town of Doniphan."

The board of
trustees, their
qualifications, &c.

SEC. 3. The board of trustees of the inhabitants of the town of Doniphan shall consist of five members, who shall be over the age of twenty-one years, and actual residents of said town, and who shall be elected by the legal voters of said county actually residing within the limits of said town on the first Monday in March, A. D. eighteen hundred and fifty-seven, and on the first Monday in March in each succeeding year, at such place as the judges of election hereinafter appointed shall designate, subject, however, to the future action of said board of trustees; *Provided*, however, that the inhabitants of the town of Doniphan be notified of such election or elections by ten written or printed handbills, put up ten days before such election or elections—at the first election, by the said judges of election hereinafter appointed, and at subsequent elections, by such persons as the board of trustees shall appoint for that purpose.

Provided

Judges of first
election.

SEC. 4. Jas. F. Forman, B. O'Driscoll and A. B. Lyon are hereby appointed judges of election of said first election, whose certificate of election shall be evidence of the election of the board of trustees therein named, and authorize the persons therein stated to be elected, to act as such board of trustees till their successors are duly elected and qualified.

Oath of trus-
tees.

SEC. 5. Each trustee, before entering on the discharge of his duties as such, shall take an oath, to be endorsed on the back of the paper evidencing his election, that he will faithfully discharge the duties of his office, and will, as such trustee, support the constitution of the United States, and each board of trustees shall continue in office till their successors are duly elected and qualified.

SEC. 6. The board of trustees shall have power to pass all ordinances necessary for the good of said town, and not inconsistent with the constitution of the United States or the laws of this territory; to meet at such times and places as they may determine upon; may select one of their number as president of the board, and may also select a clerk of the board; may appoint a town constable, town collector, town assessor, town treasurer, and such other agents and officers as they may deem necessary, and provide for the pay of such officers and agents, and prescribe their powers and duties.

Powers of board of trustees.

SEC. 7. The president of the board of trustees shall have all the powers and privileges of a justice of the peace, within the corporate limits of the said town of Doniphan, in all matters arising under the ordinances of said corporation, and he shall sit on the trial of all violations of any of the ordinances, and shall do and perform all duties under and by virtue of any ordinance prescribed by the said board of trustees; *Provided*, that, in case of vacancy or absence of such president of the board, any justice of the peace of the township in which said town is situated shall have and possess all the judicial powers and duties of such president, under any of such ordinances; and such president shall receive the same fees as a justice of the peace for like services.

Privileges of president of board of trustees.

Provide.

SEC. 8. In all elections for trustees, the five persons having the highest number of votes shall be declared duly elected, and all ties may be decided, and all vacancies in the board of trustees, or elsewhere, filled in such manner as may be prescribed by ordinance; and all judges of election, before entering on their duties, shall swear that they will support the constitution of the United States, and faithfully demean themselves in office.

Of election of trustees.

SEC. 9. For all elections of trustees subsequent to the first, the board of trustees shall appoint three judges of election, residents and legal voters of said town, who shall perform the same duties, and qualify in the same manner, as are required of the judges of election herein appointed, and whose certificate shall have the like effect as that of said judges of election so appointed.

Judges of all elections subsequent to the first.

SEC. 10. The board of trustees shall have power by ordinance to levy and collect a tax on all lawful subjects of taxation, not exceeding one-half of one per cent., and to prevent and remove nuisances; to prevent and restrain bawdy and gambling houses, and other disorderly houses, and to punish, by fine, the keepers of the same; to restrain or prohibit tip-

Power to tax.

To remove nuisances.

pling-houses, dram-shops, tenpin alleys, and other gambling devices, and to punish, by fine, the keepers thereof; to regulate circuses, shows, and other amusements; to restrain and prevent the meeting of slaves; to prevent and punish the discharge of fire-arms in the streets; to protect property from fire; to prevent the introduction or spread of diseases; to prevent breaches of the peace, and punish the same, and by ordinances to do all other acts necessary for the peace and well-being of said town.

Of streets.
and alleys.

SEC. 11. The board of trustees shall have power to open and keep in repair all the streets and alleys of said town.

Of trials under
the ordinances of
the board of trustees.

SEC. 12. In all trials had under the ordinances of the said board of trustees, either party shall, on demand, be entitled to a jury of six good and lawful men, and also an appeal to the probate court of the county, on the like terms and conditions as an appeal may be allowed from a justice of the peace.

This act to take effect and be in force from and after its passage.

Approved February 10th, 1857.

AN ACT to incorporate the Town of Mount Pleasant.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of corpora-
tors.

SECTION 1. Thomas L. Fortune, John G. Willis, G. W. Samuel, J. M. Holt, O. H. P. Craig, J. Abney, E. Tool, and others, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Mount Pleasant Town Company," and by that name shall be

Powers of compa-
ny.

competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

By-laws.

Power to pur-
chase and hold
land.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the territory of Kansas, where the town of Mount Pleasant is now located, not to exceed three hundred and twenty acres, and to lay off the same into parks, squares, blocks and lots, and to sell, dispose of and convey the same by deed.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such times as may be necessary to carry on the business of the company, and all deeds for the conveyance of the real estate of the company shall be signed by such officers as the said company may, by by-laws, designate; and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds, in all courts of this territory or elsewhere.

Power to pass by-laws for election of officers.

SEC. 4. The said company may, by by-laws, prescribe rules for the transfer of the stock of said company by each individual stockholder.

Transfer of stock.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Kansas Locating Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That S. R. Hieronymus, P. L. Doane, A. Brivalder, James Gilchrist, Robert Lester, and their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Kansas Locating Association," and by that name shall be capable of making contracts, suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law or equity in this territory or elsewhere; said association is authorized to have and use a common seal, and to alter and renew the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said association and the management of its affairs.

Names of corporators and their powers.

SEC. 2. The corporation hereby created shall have power to purchase and hold, by pre-emption or otherwise, any quantity of land where Prairie city is now located, on the Santa Fe road, in the county of Shawnee, and territory of Kansas, not to exceed six hundred and forty acres, and to lay the same off into lots, blocks, parks, streets and avenues, and to sell, dispose of, and convey the same by deed.

Have power to purchase and sell land.

SEC. 3. The said association shall have power to pass by-laws for the election of such officers as may be deemed necessary to carry out the business of said association; and all deeds

May pass by-laws for the election of certain officers.

for the conveyance of the real estate of said association, shall be signed by such officers and agents as the by-laws of said association shall designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged shall be deemed and held a sufficient execution and authentication in all courts of this territory or elsewhere.

Powers of these officers.

SEC. 4. The above named individuals, any three of whom may constitute a quorum to transact business, shall have power to call all meetings of said association, at such times and places as they may deem necessary; and all contracts and agreements hitherto made and entered into in the name of, and by or with said association, are hereby declared valid; *Provided*, the same shall not have been made in violation of any of the provisions of an act entitled "An act concerning corporations."

Of stock of the association.

SEC. 5. The stock of the association shall be deemed personal property, and the said association may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder.

This act not to conflict with laws of congress.

SEC. 6. It is the intention of this act to grant no right or privilege inconsistent with or contrary to the laws of congress, in such cases made and provided.

This act to take effect and be in force from and after its passage.

Approved February 5th, 1857.

AN ACT to incorporate the City of Atchison.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Boundary of the city of Atchison.

SECTION 1. All that territory embraced within the following legal subdivisions, to-wit, the north-west quarter of section six, in township six, range twenty-one east; the south-east and south-west quarters of section thirty-six, in township five, range twenty east; and the south-west fractional quarter of section thirty, in township five, range twenty-one east, shall be known as and called "the city of Atchison," and by that name shall be known in law, may have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law or equity within this territory or elsewhere; may have a common seal, and the same may alter

Powers of incorporation.

or change at pleasure ; and shall have all the powers and privileges usually granted, or by any law of this territory given to incorporate bodies.

SEC. 2. All the powers, privileges, rights, and provisions of an act passed at the last session of the legislative assembly, entitled "An act to incorporate the city of Leavenworth," be and the same are hereby conferred on the said city of Atchison ; and the said city of Atchison is hereby authorized and empowered to proceed under the provisions of said charter as fully and absolutely as if the same had been in the same act specially applied to the said city of Atchison ; *Provided*, that nothing herein contained shall be so construed as to impair, infringe upon or defeat, by any means whatsoever, any of the rights, privileges or powers heretofore granted to the Atchison Town Company, by the act incorporating said company.

Powers, privileges, &c, of an act incorporating Leavenworth city, conferred.

Proviso.

SEC. 3. *Provided*, that a special election shall be first held in the said town of Atchison, to take the sense of the qualified voters thereof upon the question whether they will accept the charter of incorporation hereby conferred upon them or not. At said election, polls shall be opened at the usual place of voting in said town, which shall be headed as follows, respectively : "Charter." "No Charter."

Special election to take sense of qualified voters, &c.

SEC. 4. John Bennett, William L. Challiss, Michael Doyle, of the town of Atchison, are hereby appointed judges of election to hold the said election, and they shall give at least ten days' notice of such election by ten written or printed notices, put up at ten public places in said town ; and such judges shall take an oath before some one authorized to administer oaths, faithfully and impartially to discharge their duties as judges of the election, which shall be certified to and filed in the office of the clerk of the district court ; and if any of said judges shall from any cause fail to attend, the judge or judges attending shall supply such vacancy.

Names of judges of election.

SEC. 5. If a majority of the said voters shall vote for the said charter, then the same judges of election shall proceed, as soon as practicable, to hold the first election for a mayor and board of councilmen, under the provisions of said charter, in the same manner, and after giving the same notice, as are here-in provided for the special election.

Election for mayor and councilmen.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Inhabitants of the Town of Delaware, in Leavenworth county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Privileges of the inhabitants of the town of Delaware.

SECTION 1. The inhabitants of all that country comprised within the limits of the town of Delaware, in Leavenworth county, shall be and the same are hereby incorporated under the name and style of "the inhabitants of the town of Delaware," and by that name shall have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all matters whatsoever ; may grant, purchase, receive, and hold property, real, personal and mixed, within said town, or may purchase or receive, by donation or otherwise, any amount of land, anywhere within three miles of said town, necessary for the purpose of a burying ground ; and may by said name do all acts as natural persons ; may have a common seal, and may alter or change the same at pleasure.

Concerning board of trustees.

SEC. 2. The corporate powers and authority of said incorporation are hereby vested in a board of trustees, to be called "The Board of Trustees of the inhabitants of the town of Delaware."

Of the election of trustees.

SEC. 3. The board of trustees of the inhabitants of the town of Delaware shall consist of five members, who shall be over the age of twenty-one years, and actual residents of said town, and who shall be elected by the legal voters of said county actually residing within the limits of said town on the first Monday in March, A. D. 1857, and on the first Monday in March in each succeeding year, at such place as the judges of the election, hereinafter appointed, shall designate, subject however to the future action of said board of trustees ; *Provided, however,* that the inhabitants of said town of Delaware be notified of such election or elections by ten written or printed handbills put up in ten public places in said town ten days before such election or elections—at the first election, by the said judges of election, hereinafter appointed ; and at subsequent elections, by such persons as the board of trustees shall appoint for that purpose.

Proviso.

Judges of election.

SEC. 4. Leander F. Hollingsworth, William D. Bonnell, and William Christison, are hereby appointed judges of election at said first election, whose certificate shall be evidence of the

election of the board of trustees therein named, and authorize the persons therein stated to be elected to act as such board of trustees until their successors are duly elected and qualified.

SEC. 5. Each trustee, before entering on the discharge of his duties, as such, shall take an oath, to be endorsed on the back of the paper evidencing his election, that he will faithfully discharge the duties of his office, and will, as such trustee, support the constitution of the United States; and each board of trustees shall continue in office until their successors are duly elected and qualified.

Duties of trustees.

SEC. 6. The board of trustees shall have power to pass all ordinances, of every nature, necessary for the good of said town and not inconsistent with the constitution or laws of the United States or the laws of this territory; to meet at such time and place as they may determine upon; may select one of their number as president of the board, and may also select a clerk of the board; may appoint a town constable, town collector, town assessor, town treasurer, and such other agents and officers as they may deem necessary; and provide for the pay of such officers and agents, and prescribe their powers and duties.

Powers of trustees.

SEC. 7. The president of the board of trustees shall have all the powers and privileges of a justice of the peace, within the corporate limits of the said town of Delaware, in all matters arising under the ordinances of said corporation, and he shall sit on the trial of all violations of any of the ordinances, and he shall do and perform all duties under and by virtue of any ordinance which may be prescribed by any ordinance of the board of trustees; *Provided*, that, in cases of vacancy or absence of such president of the board, any justice of the peace of the township in which said town is situated shall have and possess all the judicial powers and duties of such president under any of such ordinances; and such president shall receive the same fees as a justice of the peace for like services.

Of the president of board of trustees.

Proviso.

SEC. 8. In all elections for trustees, the five persons having the highest number of votes shall be declared elected; and all ties may be decided, and all vacancies in the board of trustees or elsewhere filled in such manner as may be prescribed by ordinance; and all judges of election, before entering upon their duties, shall swear that they will support the constitution of the United States, and faithfully demean themselves in such office.

Oath of trustees.

SEC. 9. For all elections of trustees subsequent to the first, the board of trustees shall appoint three judges of election, resi-

Regarding all elections after the first.

dents and legal voters of said town, who shall perform the same duties and qualify in the same manner as are required of the judges of election herein appointed, and whose certificate shall have the like effect as that of said judges of election so appointed.

Powers of trustees in regard to nuisances

SEC. 10. The board of trustees shall have power by ordinance to levy and collect a tax on all lawful subjects of taxation, not exceeding one-half of one per cent., and to prevent and remove nuisances; to prevent and restrain bawdy and gambling houses, and other disorderly houses, and to punish by fine the keepers of the same; to restrain or prohibit tippling-houses, dram-shops, tenpin alleys, or other gambling devices, and to punish by fine the keepers thereof; to regulate circuses, shows, or other amusements; to restrain and prevent the meeting of slaves; to prevent and punish the discharge of fire-arms in the streets; to protect property from fires; to prevent the introduction or spread of diseases; to prevent breaches of the peace and to punish the same; and by ordinance to do all other acts necessary for the peace and well-being of said town.

Of streets and alleys.

SEC. 11. The board of trustees shall have power to open and keep in repair all the streets and alleys of said town.

Of trials under ordinances of board of trustees.

SEC. 12. In all trials had under the ordinances of the said board of trustees, either party shall, on demand, be entitled to a jury of six good and lawful men; and also an appeal to the probate court of the county, on the like terms and conditions as an appeal may be allowed by law from a justice of the peace.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the City of Palermo, in Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Boundary of the city of Palermo.

SECTION 1. All that district of country described within the following boundaries, to-wit, beginning at the point in the Missouri river, in the middle of the main channel, opposite to where the northern line of the city of Palermo, Doniphan county, strikes the Missouri river; running thence in a north-west-erly direction one half mile, on the northern line of the city of Palermo; thence in a south-west direction one mile, on the

western line of said city; thence in a south-east direction, on the southern line of said city, to the middle of the channel of the Missouri river; thence up said river to the place of beginning, shall be known and called the city of Palermo, and by that name shall be known in law; may have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law or equity within this territory, or elsewhere; may have a common seal, and may alter the same at pleasure, and shall have all the powers and privileges usually granted to incorporated bodies.

Powers of incorporation.

SEC. 2. William Palmer, Edgar Rhodes, and F. M. Mahan, of the city of Palermo, are hereby appointed judges of election, to hold the first election for a mayor and board of councilmen. Such judges shall hold such election at such time and place, within such city, as they shall deem advisable, and they shall give at least three days' notice of such election, by five either written or printed handbills, put up at five public places in said city; and such judges shall take an oath before some one authorized to administer oaths, faithfully and impartially to discharge their duties as judges of the election, which shall be certified and filed in the office of the clerk of the board of commissioners.

Names of judges for first election for mayor, &c.

Judges shall take an oath, &c.

SEC. 3. Such judges shall give the person elected mayor and to such persons elected councilmen, a certificate of their election.

Certificate of election.

SEC. 4. If any of said judges shall from any cause fail to attend, the judge or judges attending shall supply such vacancy. All votes given at such election shall be *viva voce*.

In case judges fail to attend, &c.

SEC. 5. All the powers, privileges, rights and provisions of an act passed at the last session of the legislative assembly of the territory of Kansas, entitled "An act to incorporate the city of Leavenworth," be and the same are hereby conferred on the said city of Palermo; and the said city of Palermo is hereby authorized and empowered to proceed, under the provisions of said charter, as fully and absolutely as if the same had been in the same act specially applied to the city of Palermo, except that the board of councilmen shall consist of five members instead of nine.

Powers, privileges, &c., conferred on city of Palermo.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Palermo Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of cor-
porators.

SECTION 1. William Palmer, John Stairwalt, Wm. J. Palmer, Reuben Middleton, L. D. Bird, Frank J. Marshall, F. M. Mahan, their associates and successors, are hereby constituted and declared a body corporate and politic by the name and style of the "Palermo Town Company, Doniphan county," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law or equity in this territory or elsewhere. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs.

Powers of com-
pany.

By-laws, &c.

Power to pur-
chase and hold
land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold, or to enter by pre-emption or otherwise, any quantity of land where said town of Palermo is now located, not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same.

Power to pass
by-laws for elec-
tion of officers,
&c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and, when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deed in all courts of this territory or elsewhere.

Stock deemed
personal proper-
ty.

SEC. 4. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of stock by each individual stockholder.

Proviso.

SEC. 5. *Provided*, that nothing herein contained shall be construed to conflict with the act of Congress in relation to town sites.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Roseport Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Richard Rose, A. M. Mitchell, J. M. Bassett, J. Wilson, John Palee, Benjamin Hansen, J. A. Inslee, Wm. H. Edgar, Simeon Kemper, West & McAshan, J. B. Jennings, Peter Kirschnea, J. B. Lutzbacker, James A. Milam, Robert M. Stewart, John Stewart, Charles Schreiber, John Leverence, William B. Thompson, Joseph Howard, James F. Forman, Frederick W. Smith, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Roseport Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs. Vacancies in the board of directors, by death, resignation or otherwise, shall be filled by election by the stockholders, each stockholder casting one vote for each share he may hold, and such votes may be given by proxy.

Names of corporators

Powers of company.

By laws, &c.

Vacancies.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land, where said town of Roseport is now located, not to exceed six hundred and forty acres, and to lay the same off in lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same.

Power to purchase and hold land, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such time as may be necessary to carry out the business of said company ; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly signed and acknowledged as other conveyances of real estate, and, when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Power to pass by-laws for election of officers, &c.

SEC. 4. The above named persons will have the power to direct the trustees of the present existing Town Company of

Corporators have power to direct trustees, &c.

Roseport to make an assignment to the company of the property held by them in trust, for the benefit of the respective shareholders ; after which, the business affairs of the company will be managed and governed by a vote of a majority in interest.

Power to erect
buildings, &c.

SEC. 5. The said company shall have power to erect buildings for dwellings, manufactures and machinery, and such other improvements as tend to promote the interests of the company and the general prosperity of the town.

Stock deemed
personal pr. prop'ty.

SEC. 6. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe for the issuing of said stock, and transferring of the same by each individual stockholder.

Not contrary to
laws of congress.

SEC. 7. It is the intention of this act to grant no right or privilege inconsistent with or contrary to the laws of congress in such cases made and provided.

This act to take effect and be in force from and after its passage.

Approved February 5th, 1857.

AN ACT to incorporate the City of Roseport.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Corporate lim-
its of the city of
Roseport.

SECTION 1. The following shall be the corporate limits of said city, to-wit : The north-east quarter of section thirty, township three, range twenty-three east, and bounded on the north by the Missouri river, which shall be known and called the "city of Roseport," and by that name shall be known in law, may have perpetual succession, may sue and be sued, plead and be impleaded, defend and be defended against, in all courts of law or equity in this territory or elsewhere ; may have a common seal, and the same may be altered or changed at pleasure, and shall have all the powers and privileges usually granted to corporate bodies of like character by an act concerning corporations.

Powers.

Names of trus-
tees for organiza-
tion.

SEC. 2. Richard Rose, A. M. Mitchell, F. W. Smith, James F. Forman, J. B. Jennings, Joseph B. Howard, J. M. Bassett, Charles Schrieber, Robert M. Stewart, John Stewart, or a majority of them, are hereby made and constituted a board of trustees for the organization of the government of said city, who shall have and they are hereby invested with full power to

provide for the permanent organization of said city, in such manner as may be agreed on by said board, or a majority of them, in the manner prescribed by law.

SEC. 8. All the powers, privileges, rights and provisions of an act passed at the first legislative assembly of the territory of Kansas, entitled an "Act to incorporate the city of Leavenworth," be and the same are hereby conferred on the said city of Roseport; and the said city of Roseport is hereby authorized and empowered to proceed under the provisions of said charter as fully and absolutely as if the same act specially applied to the said city of Roseport, and wherever the word Leavenworth appears in said act, shall be rendered so as to read Roseport; but nothing in this act shall be so construed as to work a forfeiture of rights and privileges of the persons claiming or owning the property within the city.

Powers, privileges, &c., conferred on Roseport.

This act to take effect and be in force from and after its passage.

Approved January 28th, 1857.

AN ACT to incorporate the Geary City Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That James L. Abernathy, A. C. Swift, E. H. Grant, Franklin G. Adams, N. H. Swift, P. Clayton, Calvin Lewis, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Geary City Association," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of incorporators.

Powers.

By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in Kansas territory, where the city of Geary is now located, not to exceed six hundred and forty acres, and to lay the same off into parks, squares and lots, and to sell, dispose of, and convey the same by deed.

Power to purchase and hold land, &c.

SEC. 3. The said company shall have power to pass by-

Power to pass
by-laws for elec-
tion of officers,
&c.

laws for the election of such officers, at such time or times as may be necessary to carry on the business of the company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers as said company may by hy-laws designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Stock deemed
personal proper-
ty, &c.

SEC. 4. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the transfer of the same by each individual shareholder or stockholder.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Iowa Point Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of corpo-
rators.

SECTION 1. That Harvey W. Forman, John S. Pemberton, Reuben Middleton, Lemuel W. Dupuy, F. B. Kerchival, Joe Holland, George W. Bowman, George C. Catlett, Henry Catlett, Preston Richardson, John W. Crane, John Briscoe, John H. Likens, William Bidenbaugh, Mason F. Moss, Preston T. Moss, William P. Richardson, Armstrong Beattie, Patrick L. McLaughlin, Wm. Banks, Albert G. Clarke, Samuel P. McCurdy, Joseph P. Grubb, Bela M. Hughes, William Farleigh, Wm. R. Likens, George H. Hall, John Lewis, Daniel Vanderslice, Thomas J. Vanderslice, Wm. Ellis, John W. Forman, Daniel Able, John Sperry, X. K. Stout, Charles Blakeley, Jesse Lewis, David H. Vinton, Culver Hyatt, John Hyatt, John Abney, Conrad McCord, Charles Baker, R. Darst, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Iowa Point Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to make and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Powers of com-
pany.

By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in Doniphan county, Kansas territory, not exceeding six hundred and forty acres, and to lay the same off into parks, squares, and lots, streets and alleys, and to sell, and dispose of, and convey the same by deed, and to re-purchase and re-convey the same or any portion thereof, when necessary in the transaction of the legitimate business of said company.

Power to purchase and hold land, &c.

SEC. 3. The capital stock of said company shall not exceed fifty thousand dollars, and shall be paid in as shall be ordained by the by-laws of said company.

Capital stock.

SEC. 4. The stockholders of said company shall meet in Iowa Point, on the second Monday in March, in each year, and elect five directors to transact the business of the company. The directors of the company shall elect from their own body a president, who shall also be the president of the company aforesaid, and such officers shall continue in office until duly succeeded, and they shall have power to appoint a secretary and treasurer, whose duties shall be prescribed by the by-laws of said company. A majority of said company shall constitute a quorum to do business, and said board may fill all vacancies in their own body during their term of office.

Stockholders shall meet, &c; where and when.

SEC. 5. All deeds for the conveyance of the real estate of said company shall be signed by the president of said company and attested by the secretary, with the corporate seal attached, which shall be deemed and held a sufficient execution and authentication of such deeds in all courts in this territory and elsewhere.

All deeds signed by the president, &c.

SEC. 6. Harvey W. Forman, Daniel Vanderslice, Francis Patten, John S. Pemberton, and Reuben Middleton, shall constitute the first board of directors, and shall hold their offices until their successors are duly elected and qualified as provided by this act.

Names of first board of directors.

SEC. 7. The directors and all officers of the company shall, before entering upon their duties, take an oath for the faithful performance of their duties, and the board of directors shall have power to require the treasurer of said company to give bond in such sum as they may deem necessary, with sufficient security, conditioned for the faithful discharge of his duty.

All officers shall take an oath.

SEC. 8. If from any cause the election of directors shall not be held on the day specified in this charter, the president of said company may call a meeting of the stockholders of said

President may call a meeting of stockholders, &c.

company for the purpose of electing directors on any other day, giving thirty days' notice in a newspaper published in Doniphan county, Kansas territory, of the time and place of meeting.

Shall not purchase or sell real estate, except, &c.

SEC. 9. The company hereby incorporated shall not, as such, purchase or sell any real estate except as provided in the charter, nor shall they deal in exchange, or issue bills of credit, or deal as bankers.

Capital stock, &c.

SEC. 10. The capital stock of the company hereby incorporated, or so much thereof as said company may deem advisable to use, shall be divided into shares as the directors of said company shall by their by-laws direct, and such shares shall be deemed personal property, and transferable as may be directed by the by-laws of said company.

In case of the death of a stockholder, &c.

SEC. 11. When a stockholder of the company hereby incorporated shall depart this life, the interest of such stockholder in said company shall be disposed of (if not otherwise directed by will) in such manner as may be directed by the court having jurisdiction of probate business for Doniphan county, or the county in which the town of Iowa Point may be situated, on the petition of the heirs, administrator or executor of such deceased stockholder.

No right granted to conflict with laws of congress.

SEC. 12. It is the intention of this act to grant no right or privilege inconsistent with or contrary to the laws of congress in such cases made and provided.

This act to take effect and be in force from and after its passage.

Approved January 29th, 1857.

AN ACT incorporating the City of Iowa Point.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Inhabitants of the city of Iowa Point incorporated.

SECTION 1. All the inhabitants embraced in north half of the thirty-sixth section, township one, range nineteen, in the county of Doniphan, Kansas territory, shall be known and called "The inhabitants of the city of Iowa Point," and by that name shall be known in law, may have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law or equity within this territory or

elsewhere; may have a common seal and the same may be altered at pleasure; and shall have all the powers and privileges usually granted, or by any law in this territory given, to incorporated bodies of a similar character.

SEC. 2. Harvey W. Forman, George W. Stemmons, P. M. Sturges, Richard Leach, Thomas Vanderslice, James Hudgins, and John White, or a majority of them, are hereby made and constituted a board of trustees for the organization and government of the said city, with all the powers and privileges conferred on corporate bodies by law, now or hereafter to be in force within this territory; and such board of trustees shall have power to fill any vacancy that may occur in their board.

Names of trustees for organization, &c.

SEC. 3. All powers, privileges, rights and provisions of an act passed at the first session of the legislative assembly of the territory of Kansas, entitled "An act to incorporate the city of Leavenworth," be and the same are hereby conferred on the city of Iowa Point; and that the city of Iowa Point is hereby authorized and empowered to proceed under the provisions of said act as fully and absolutely as if the same had been in the same act specially applied to the said city of Iowa Point.

Powers, privileges, &c., conferred on Iowa Point.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Town of Burlington.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That O. E. Learnard, Charles Morse, J. A. D. Clark, T. T. Parsons, C. W. Southway, and their associates, be and the same are hereby incorporated a body politic and corporate by the name and style of the "Burlington Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure; and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

Powers of company.

By-laws, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in Coffey county, in this territory, where the town of Burlington is now located, not

Power to purchase and hold land, &c.

to exceed six hundred and forty acres, and to lay the same off into parks, streets, squares and lots, and to sell, dispose of, and convey the same by deed.

Power to pass by-laws for election of officers.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such time or times as may be necessary to carry on the business of the company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers as the said company by by-laws may designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate; and when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of law or equity in this territory or elsewhere.

Stock deemed personal property.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring the said stock by each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Willow Spring Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of corporators.

SECTION 1. That William Wells, J. S. Tooly, George W. Wells, William D. Spicely, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Willow Spring Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure; and make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs. Vacancies in the board of directors by death, resignation or otherwise, shall be filled by election by the stockholders, each stockholder casting one vote for each share he may hold, and such vote may be given by proxy.

Powers of company.

By-laws, &c.

Vacancies.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption, or otherwise, any quantity of land in the county of Douglas, Kansas territory, where said town of Willow Spring is now located, not exceeding one thousand acres, and lay the same off into parks, streets, squares and avenues, and to sell, dispose of, and convey the same.

Power to purchase and hold land, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the laws of said company shall designate, which deeds shall be duly signed and acknowledged as other conveyances of real estate; when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Power to pass by-laws for election of officers.

SEC. 4. The above named board of trustees shall have power to fill vacancies which may occur in their body by death, resignation or otherwise.

Trustees to fill vacancies.

SEC. 5. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder.

Stock deemed personal property.

SEC. 6. Provided nothing herein contained shall be construed to conflict with the law of congress in relation to pre-emption of town sites.

Proviso.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Town Company of America.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That William Jackson, Samuel Dickson, John P. Thompson, and N. J. Ireland, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "America Town Company," and by that name shall be competent to make contracts, sue and

Names of corporations.

Powers of company.

be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and to use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

By-laws, &c.

Power to purchase and hold land.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the territory of Kansas, where the town of America is now located, not to exceed three hundred and twenty acres of land, to lay off the same in parks, squares, blocks and lots, and to sell, dispose of, and convey the same.

Power to pass by-laws for election of officers, &c.

SEC. 3. That said company shall have power to pass by-laws for the election of such officers, at such time or times as may be necessary to carry out the business of the company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers of the said company as it shall designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of all such deeds in all courts or elsewhere.

Transfer of stock.

SEC. 4. The said company may, by by-laws, prescribe rules for the transfer of the stock of said company by each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Tarromee Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporations.

SECTION 1. That M. R. Walker, E. M. Thurston, J. W. Ladd, A. A. Garrett, M. A. Garrett, R. Garrett, Henry Garrett, and J. Kuykendall, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Tarromee Town Company," and by that name shall be known in law, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, of defending and being defended, in all courts of law and equity in this territory or elsewhere. Said company is hereby authorized to have and use

Powers of company.

a common seal, and to alter or change the same at pleasure; and to make from time to time such by-laws and regulations as may be deemed necessary for the government of said company and the management of its affairs.

By-laws, &c.

SEC. 2. The company hereby created shall have power to purchase and hold any quantity of land in Kansas territory, Riley county, where the town of Tarromee is now located, not exceeding six hundred and forty acres, and to lay off the same into blocks, lots, parks, market places, squares, avenues, streets and lanes, and to sell, dispose of, and convey the same by deed.

Power to purchase and hold land, &c.

SEC. 3. All deeds for the conveyance of real estate of the company shall be signed by such officers as said company, by by-laws, may designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds in all courts in this territory and elsewhere.

Deeds for conveyance to be signed, &c.

SEC. 4. The stock of said company shall be deemed personal property, and said company may prescribe rules for transferring the same by individual stockholders.

Stock deemed personal property.

SEC. 5. Provided nothing herein contained shall be construed to conflict with the provisions of the law of congress relating to pre-emption of town sites.

Provided.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Shenandoah Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Geo. Rees, Chas. Johnson, Jefferson Pigman, Harman Elliott, Uriah Humphrey, Solomon Brown, A. J. Baker, Wm. O. Yager, H. J. Strickler, and their associates and successors, are hereby appointed and constituted a body politic and corporate by the name and style of the "Shenandoah Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters and courts whatsoever. Said association shall have power to purchase and hold, and dispose of and convey, any quantity of land in the territory of Kansas, county of Madison, not to ex-

Names of corporators.

Powers of company.

ceed six hundred and forty acres, and to lay the same off into blocks, squares, &c.

Power to pass by-laws for election of officers.

SEC. 2. Said company shall have power to pass such by-laws for the election of its officers, and for the government and management of its affairs, and for the transfer of its stock by each individual stockholder, as may be deemed necessary and proper.

Deeds for conveyance of real estate must be signed, by whom

SEC. 3. All deeds for the conveyance of any real estate of the association shall be signed by such officers as the said association may, by their by-laws, designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and when so duly acknowledged and executed shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Before selling any of said lands a map shall be made out.

SEC. 4. The said company, before selling any part of said lands, lots or blocks, shall make out a map of the same, which shall be filed with the clerk of the tribunal transacting county business for the said county of Madison, together with the list of officers elected by said company, and a copy of the by-laws by them adopted.

Shall have power to erect buildings.

SEC. 5. Said company shall have power to erect such buildings as they may deem necessary for their protection against the Indians, and for the purposes of trade.

Power to explore for coal and other minerals.

SEC. 6. For the purpose of developing the mineral and other resources of said county of Madison, in the territory of Kansas, said company shall have power to explore for coal and other minerals, and for mining and vending the same; and also to erect on such lands, to which said company may acquire title in the territory of Kansas, furnaces, foundries, mills and manufacturing of every description, necessary for the working and manufacturing of minerals, timber and lumber; and they and their successors and associates, by the name aforesaid, shall be competent and capable of receiving and purchasing, by gift, donation, grant or devise, and holding, mortgaging, leasing or conveying any property or estate whatever, real, personal or mixed.

Manufactories.

Power to survey, locate, &c., a road.

SEC. 7. For the ready transportation of the produce of such mines, manufactories and mills, said company shall have power to survey, locate and establish, and construct, maintain and operate, a road, plank road, turnpike, or railroad, from the said works of said company to such point or depot as shall be deemed necessary.

Sec. 8. That from the time said company shall be organized, and the certificates of stock issued, all the property, real and personal, moneys and effects, of said company, shall be liable for the debts of the same; and all the real estate conveyed to said company in consideration of its stock, shall, from the date of the execution of the conveyance, be liable for the debts of the same.

All property liable for debts of company.

Sec. 9. In order to more fully carry out the objects and purposes of this company, it shall have power to issue shares of its capital stock; said shares to be in the sum of one hundred dollars each.

Power to issue shares of capital stock.

Sec. 10. Provided that nothing herein contained shall be construed to conflict with the provisions of an act of congress in relation to pre-emption of town sites.

Proviso.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Potosi Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. James P. Fox, Jesse Davis, Bernard Hogan and John H. Tate, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Potosi Town Company," and by that name shall have perpetual succession; shall be capable of making contracts, of suing and being sued, pleading and being impleaded, in all matters whatsoever in all courts of law and equity. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and make such by-laws and regulations, as may from time to time be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

Powers of company.

By-laws.

Sec. 2. Said company shall have power to purchase and hold, to enter by pre-emption, or otherwise acquire title to any quantity of land not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same.

Power to purchase and hold land.

Sec. 3. The said company shall have power to pass by-laws for the election of such officers, at such times as may be neces-

Power to pass by-laws for election of officers.

sary, to carry on the business of said company, and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as the conveyances of real estate, and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of law or equity in this territory or elsewhere.

Stock deemed
personal property.

SEC. 4. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for using and transferring the said stock by each individual stockholder.

No privileges
conferred other
than those by laws
of congress.

SEC. 5. It is not the intention of this act to confer any privileges not conferred by the laws of congress in relation to pre-emption of town sites.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Westphalia Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corpo-
rators.

SECTION 1. Samuel H. Woodson, Wm. T. Sherrard, R. O. Bishop, Wm. H. Doak, Joseph Clymen, Jesse Davis and B. F. Newsome, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Westphalia Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to change the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Powers of compa-
ny.

By-laws.

Power to pur-
chase and hold
land.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the territory of Kansas, not exceeding six hundred and forty acres, and to lay off the same into lots, blocks, square, and streets, and to sell and dispose of and to convey the same by deed.

Power to pass
by-laws for elec-
tion of officers.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such time or times as

may be necessary, to carry on the business of the company, and all deeds for the conveyance of the real estate of the company shall be signed by such officers of said company as may be designated by said by-laws, and when so signed shall be deemed and held a sufficient authentication of such deeds in all courts of this territory or elsewhere.

SEC. 4. The said company may, by by-laws, prescribe rules for the transfer and the using of the stock of said company by each individual stockholder; *Provided*, that nothing herein contained shall conflict with the laws of congress on the subject of the rights of pre-emption.

Transfer and using of stock.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Centropolis Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Perry Fuller, J. K. Goodin, John F. Jarvis, G. W. Smith, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Centropolis Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of its affairs.

Names of corporators.

Powers of company.

By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold, by pre-emption or otherwise, any quantity of land in the territory of Kansas, county of Franklin, where the town of Centropolis is now located, not to exceed three hundred and twenty acres, and to lay off the same into squares, blocks and lots, and to sell and dispose of and convey the same by deed.

Power to purchase and hold land.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, at such time or times as may be necessary, to carry on the business of the company, and all deeds for the conveyance of the real estate of the company shall be signed by such officers as the said company may, by its by-laws, designate, and when so signed shall be deemed and held a

Power to pass by-laws for election of officers.

sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Transfer of
stock.

SEC. 4. The said company may, by its by-laws, prescribe rules for the transfer of the stock of said company by each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Chaumiere Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of corpo-
rators.

SECTION 1. Samuel H. Woodson, William Chrisman, Thomas N. Stinson, J. C. Anderson, Abram Comingo, and their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Chaumiere Town Association," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded in all matters whatsoever, in all courts of law and equity in this territory. Said association is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said association and the management of its affairs.

Powers of associ-
ation.

By-laws.

Power to purchase
and hold land.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land not to exceed six hundred and forty acres, and to lay the same off into lots, squares, parks, streets, alleys and avenues, and to sell, dispose of and convey the same; and said town shall be called Chaumiere.

Power to pass
by-laws for elec-
tion of officers.

SEC. 3. The said association shall have power to pass by-laws for the election of such officers, at such times as may be necessary, to carry on the business of said association; and all deeds for the conveyance of the real estate of said association shall be signed by such officers of said association as the by-laws may designate, which deeds shall be duly executed and acknowledged; and when so done, the same shall be held and deemed a sufficient execution and authentication of such deeds in all courts of this territory and elsewhere.

SEC. 4. The stock of the association shall be deemed personal property, and transferable on the books of the association in such manner as may be prescribed by the by-laws.

Stock deemed personal property.

SEC. 5. Nothing in this act shall be so construed as to conflict with any of the laws of congress concerning pre-emptions.

Not to conflict with laws of congress.

SEC. 6. The company hereby incorporated shall acquire no benefit, under and by virtue of this charter, on the lands belonging to or the property of any Indian or Indians, or Indian tribe, or on any land which shall have been actually selected by any other person or persons prior to the location and staking out said town, as evidenced by an improvement, foundation, or stake, intended to indicate such previous selection, unless the consent of such prior owner, occupier or claimant be first obtained.

No benefit to be acquired on lands belonging to Indians.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the St. Leander Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Joseph McDowell, Precilla Rogers, Lafayette Burnett, Wilson Shannon, George W. Clarke, A. G. Boone, Silas Armstrong, Alexander Johnson, John Calhoun, S. A. Jones, F. J. Marshall and W. G. Mathias, and those who may be associated with them, and their successors, are hereby constituted a body politic and corporate by the name and style of the "St. Leander Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and to use a common seal, and to alter the same at pleasure, and to make such by-laws as may be necessary for the government of said company and the management of its affairs.

Names of incorporators.

Powers of company.

By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the territory of Kansas, where the town of St. Leander is to be laid off and situated, at or near the confluence of the Kansas and Missouri rivers, in the county of Johnson and territory of Kansas, not to exceed six hundred and forty acres, and may lay off the same into

Power to purchase and hold land.

streets, alleys, blocks, squares and lots, and to sell, convey and dispose of the same by deed.

Power to pass
by-laws for elec-
tion of officers.

SEC. 3. The said company shall have power to pass by-laws for the election of officers, at such time or times as may be necessary, to carry on the business of the company; and all deeds for the conveyance of real estate of the company shall be signed by such officer or officers as the said company may by by-laws designate, and when so signed and acknowledged, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Franklin Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of cor-
porators.

SECTION 1. That John M. Wallace, Jeremiah Church, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Franklin Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Powers of compa-
ny.

By-laws.

Power to pur-
chase and hold
land.

SEC. 2. The corporation hereby created shall have power to purchase and hold, by pre-emption or otherwise, any quantity of land in Kansas territory, where the town of Franklin is located, not exceeding three hundred and twenty acres, and to lay the same off in lots, streets, squares and parks, and to dispose of and convey the same by deed.

Power to pass
by-laws for elec-
tion of officers.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry on the business of the company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers as said company may by by-laws designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

SEC. 4. The stock of said company shall be personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of the same by each individual stockholder.

Stock deemed
personal property.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Town Company of Charlotteville.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That David T. Mitchell, Thomas C. Hughes, Henry P. Throop, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Charlotteville Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of corpo-
rators.

Powers of com-
pany.

By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold the east half of section number thirty-one (31), in township number twenty (20) south, of range number fifteen (15) east, in the county of Coffey, territory of Kansas, it being the same upon which the town of Charlotteville is located, and shall also have power to purchase and hold any additional quantity of land adjoining thereto; *Provided*, that the same shall not exceed six hundred and forty acres of land; to lay off the same into parks, squares, blocks and lots, and to sell and dispose of and convey the same.

Power to hold
land in Coffey
county.

Proviso.

SEC. 3. The said company, or a majority of them, shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry on the business of the company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers of the said company as it shall designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of all such deeds in all courts of this territory or elsewhere.

Power to pass
by-laws for elec-
tion of officers.

Transfer of
stock.

SEC. 4. The said company may, by by-laws, prescribe rules for the transfer of the stock of said company by each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Coahooma Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corpo-
rators.

SECTION 1. That Samuel H. Woodson, R. P. Doak, Wilson Shannon, B. F. Simmons, and A. B. Earle, and their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Coahooma Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded in all matters whatsoever, in all courts of law and equity in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs.

Powers of com-
pany.

By-laws, &c

Power to pur-
chase and hold
land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold, to enter by pre-emption, or otherwise acquire title to, any quantity of land not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same.

Power to pass
by-laws for elec-
tion of officers,
&c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, and at such times, as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate; and when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of law or equity in this territory or elsewhere.

SEC. 4. The stock of the company shall be deemed personal

property, and the said company may, by by-laws, prescribe rules for the using and transferring the said stock by each individual stockholder.

Stock deemed personal property.

SEC. 5. Nothing in this act shall be construed contrary to the laws of congress on the subject of pre-emption rights.

Not to conflict with laws of congress in regard to pre-emption rights.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Tacoah Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That G. B. Houston, B. F. Brantley, Wm. O. Yager, Jno. R. Boyd, and their associates and successors, are hereby declared to be a body politic and corporate by the name and style of the "Tacoah Town Company," and all the provisions of an act entitled "An act concerning corporations," are hereby attached to and made operative in this act of incorporation; *Provided*, that the said company may hold, use and occupy, for the purpose of laying off a town in the county of Greenwood, Kansas territory, by the name of Tacoah, any amount of land not exceeding six hundred and forty acres, and may lay off and sell the same.

Names of incorporators.

Proviso.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Valley Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That James M. Kuykendall, James M. Hand, and Perry Flishman, and their successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Valley Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in law or equity, in this territory. Said company is authorized to have

Names of corporations.

Powers.

By-laws, &c.

and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs.

Power to purchase and hold land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and enter by pre-emption or otherwise, any quantity of land in this territory, not to exceed three hundred and twenty acres, and to lay the same off into lots, parks, streets, square and avenues, and to sell, dispose of, and convey the same.

Power to pass by-laws for election of officers.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts in this territory or elsewhere.

Trustees to fill vacancies.

SEC. 4. The above named board of trustees shall have power to fill vacancies which may occur in their body by death, resignation or otherwise.

Stock deemed personal property.

SEC. 5. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of the same stock by each individual stockholder.

Not to conflict with laws governing pre-emptions.

SEC. 6. Nothing in this act shall be so construed as to conflict with the laws of the United States governing pre-emption rights or town sites.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Cherokee Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of incorporators.

SECTION 1. That M. D. Hickman, Aristides Rodrique, Wm. A. M. Vaughan, E. T. Hickman, their associates and successors, are hereby created a body politic and corporate by the

name and style of the "Cherokee Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the good government of said company and the management of its affairs. Vacancies in the board of directors by death, resignation or otherwise, shall be filled by elections by the stockholders, each stockholder casting one vote for each share he may hold, and such votes may be given by proxy.

Powers of company.

By-laws, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land where said town of Cherokee, in the county of Wise, shall be located, not to exceed six hundred and forty acres, and lay the same off into parks, lots, streets, squares and avenues, and to sell, dispose of, and convey the same.

Power to purchase and hold land, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly signed and acknowledged as other conveyances of real estate; when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Power to pass by-laws for election of officers.

SEC. 4. The above named board of trustees shall have power to fill vacancies which may occur in their body by death, resignation or otherwise.

Trustees to fill vacancies.

SEC. 5. The stock of said company shall be deemed personal property, and the company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder.

Stock deemed personal property.

SEC. 6. *Provided*, nothing herein contained shall be so construed as to conflict with any act of congress.

Proviso.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Pierce Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporations.

SECTION 1. That Wm. P. Fain, George Wilson, Thos. Totten, George W. Clark, Wilson Shannon, and their successors in office, are hereby constituted and declared a body politic and corporate by the name of the "Pierce Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever in law or equity, in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land where said town of Pierce is now located, viz., the south-east quarter of section twenty-five and the north-east quarter of section twenty-five, in township nineteen, south range, twenty east, in Anderson county, Kansas territory, and to lay off the same, or any part thereof, into lots, parks, streets, squares and avenues, and to sell, and dispose of, and convey the same.

Powers of company.

By-laws, &c.

Power to purchase and hold land, &c.

Power to pass by-laws for election of officers, &c.

SEC. 2. That the said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company ; and all deeds for the conveyance of real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as the conveyances of real estate ; when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Board of trustees have power to fill vacancies.

SEC. 3. That the above named board of trustees shall have power to fill vacancies which may occur in their body by death, resignation or otherwise.

Stock deemed personal property.

SEC. 4. That the stock of said company shall be deemed personal property, and the same company may, by by-laws, prescribe rules for issuing and transferring said stock by each individual stockholder.

No privileges granted inconsistent with laws of congress.

SEC. 5. It is the intention of this act to grant no right or privilege inconsistent with or contrary to the laws of congress, in such cases made and provided.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the town of "Agnes City," in Breckenridge county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Arthur J. Baker, Emanuel Mosier, Eli M. Sewell, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Agnes City Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter (attest) the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

Powers of company.

By-laws, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the territory of Kansas, where the town of "Agnes City" is now located, not to exceed six hundred and forty acres, and to lay off the same into lots, squares and blocks, and to sell, and dispose of, and convey the same by deed.

Power to purchase and hold land, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry out the business of the company ; and all deeds for the conveyance of the real estate of the company shall be signed by such officers as the said company may by by-laws designate, and when so signed shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Power to pass by-laws for election of officers, &c.

SEC. 4. The said company may, by by-laws, prescribe rules for the transfer of the stock of said company by each individual stockholder.

Transfer of stock.

SEC. 5. *Provided*, nothing herein contained shall be construed to conflict with the provisions of an act of congress relating to the pre-emption of town sites.

Proviso.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Wakarusa City Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporators.

SECTION 1. That Wm. O. Yager, Mathew Rule, and Hiram J. Strickler, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Wakarusa City Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory. Said association is authorized to have and use a common seal, and to alter the same at pleasure; and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs.

Powers of company.

By-laws.

Power to purchase and hold land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and enter by pre-emption or otherwise, any quantity of land in the county of Shawnee, not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same; and said town shall be called Wakarusa city.

Power to pass by-laws for election of officers, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers at such time as may be necessary to carry on the business of said company; and all deeds for the conveyance of the real estate of the said company shall be signed by such officers of said company as the by-laws of said company may designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Trustees shall fill vacancies.

SEC. 4. The above named board of trustees shall have power to fill all vacancies which may occur in their body by death, resignation or otherwise.

Stock deemed personal property.

SEC. 5. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder.

Proviso.

SEC. 6. Provided nothing herein contained shall be construed

to conflict with the act of congress in relation to pre-emption of town sites.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Wheatland Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That S. N. Beaty, J. P. Saunders, J. M. Bernard, and H. Butcher, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Wheatland Town Company," in the county of Douglas, and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory. Said company is authorized to have and use a common seal, to alter the same at pleasure, and make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs. Vacancies in the board of directors by death, resignation or otherwise, shall be filled by election of the stockholders, each stockholder casting one vote for each share he may hold, and such vote may be given by proxy.

Names of corporators.

Powers of company.

By-laws. &c.

Vacancies.

SEC. 2. The corporation hereby created shall have power to purchase, hold, and enter by pre-emption or otherwise, any quantity of land, where the said town of Wheatland is now located, not to exceed one thousand acres, and lay the same off into parks, streets, squares and avenues, to sell, dispose of, and convey the same.

Power to purchase and hold land, &c.

SEC. 3. That said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the objects of said company ; all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly signed and acknowledged as other conveyances of real estate ; when so signed and acknowledged, shall be deemed and held a sufficient

Power to pass by-laws for election of officers, &c

execution and authentication of such deeds in all courts of this territory or elsewhere.

Stock deemed
personal prop-
erty, &c.

SEC. 4. The stock of said company shall be deemed personal property; and the said company may, by by-laws, prescribe rules and regulations for issuing and transferring of said stock by each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Spartanburg Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of cor-
porators.

SECTION 1. That M. L. Brown, H. B. McMaster, D. G. Fleming, and W. H. Rogers, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Spartanburg Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Powers of com-
pany.

SEC. 2. The corporation hereby created shall have power to purchase and hold, or to enter by pre-emption or otherwise, any quantity of land, in the territory of Kansas, not exceeding six hundred and forty acres; and to lay the same off into lots, blocks, squares and streets, and to sell, dispose of, and convey the same by deed.

Power to pur-
chase and hold
land, &c.

Power to pass
by-laws for elec-
tion of officers,
&c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry on the business of the company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers of said company as may be designated by said by-laws, and when so signed shall be held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Stock deemed
personal prop-
erty.

SEC. 4. The stock of said company shall be deemed personal property, and said company may, by by-laws, prescribe rules

for the issuing and transferring of the same by each individual stockholder.

SEC. 5. Provided that nothing herein contained shall be construed to conflict with the act of congress in relation to the pre-emption of town sites. Proviso.

SEC. 6. The company shall not have the right, by virtue of this charter, to locate said town on lands belonging to any Indian, or any tribe of Indians, nor upon the claim of any other person or persons where the same has been marked and registered in accordance with the rules and regulations governing the right of squatters or pre-emptors. Have not the right to enter Indian lands, &c.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the City of Topeka.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. All that territory embraced within the following boundaries, to-wit: Beginning at the intersection of the line between fractional sections twenty-nine and thirty, township eleven south, and range sixteen east, of the sixth principal meridian, with the right bank of the Kansas river; thence south, twelve chains and eighty links, to the corner of sections twenty-nine and thirty, thirty-one and thirty-two; thence south, between sections thirty-one and thirty-two, to the corner of sections thirty-one and thirty-two, on township line between townships eleven and twelve south, range sixteen east; thence west, between sections thirty-one and thirty-six, to the township corner, between townships eleven and twelve south, and ranges fifteen and sixteen east; thence north, between sections thirty-one and thirty-six, to the corner between sections thirty and thirty-one; thence east, between sections thirty and thirty-one, thirty-seven chains and sixty-two links, to the quarter section corner, between sections thirty and thirty-one; thence north, between the south-west and south-east fractional quarters of section thirty, to the right bank of the Kansas river; thence down the right bank of said Kansas river to the point of beginning; being all of section thirty-one, and the north-

Boundary of the city of Topeka.

Powers of incorporation.

east fractional quarter of section thirty, in township eleven south, of range sixteen east, of the sixth principal meridian, and lying south of the Kansas river, in the territory of Kansas, shall be known and called the "City of Topeka," and by that name shall be known in law, may have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law or equity within this territory or elsewhere; may have a common seal, and the same may alter or change at pleasure; and shall have all the powers and privileges usually granted, or by any law of this territory given, to incorporated bodies.

Names of board of trustees for organization, &c.

SEC. 2. F. L. Crane, M. C. Dickey, T. G. Thornton, J. A. Wakely, L. G. Cleveland, or a majority, are hereby made and constituted a board of trustees for the organization and government of said city, with all the powers conferred on corporate bodies by any law now or hereafter to be in force within this territory; and such board of trustees shall have power to fill any vacancy that may occur in their board.

Powers, privileges, &c., conferred on said city.

SEC. 3. That all the powers, privileges, rights and provisions of an act passed at the present session of this legislative assembly, entitled "An act to incorporate the city of Leavenworth," be and the same are hereby conferred on the said city of Topeka, and the said city of Topeka is hereby authorized and empowered to proceed under the provisions of said charter as fully and absolutely as if the same had been in the same act specially applied to the said city of Topeka.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Missouri City Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of incorporators.

SECTION 1. That H. Oconer, Wm. Oconer, Berry Dotson, Dury Dotson, J. M. Bernard, Richard McCanish, H. Butcher, J. P. Robinson, and their successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Missouri City Town Company," and by that name shall be capable of making contracts, suing and being sued, of

TOWNS AND CITIES.

pleading and being impleaded in all matters whatsoever, in law or equity, in this territory. Said company is authorized to have and use a common seal, and to alter it at pleasure ; and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs.

Powers of company.

By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land, where said town of Missouri City is now located, not exceeding one thousand acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same.

Power to purchase and hold land, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company ; and all deeds for the conveyance of the real estate of said company shall be signed by such officers as said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate ; when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Power to pass by-laws for election of officers.

SEC. 4. The above-named board of trustees shall have power to fill vacancies which may occur in their body by death, resignation or otherwise.

Trustees shall fill vacancies.

SEC. 5. The stock of the company shall be deemed personal property, and the said company may make by-laws and prescribe rules for the issuing and transferring of the said stock by each individual stockholder.

Stock deemed personal property, &c.

SEC. 6. Provided that nothing in this act shall conflict with the act of congress in relation to pre-emption laws.

Proviso.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT incorporating Manhattan City, Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. All that territory embraced within the following boundaries, to-wit, beginning in the centre of the Kansas river

Boundary of Manhattan city.

on the west line of township ten, range eight, and running from thence due north on the aforesaid township line one mile and three-fourths; from thence due east to the centre of Big Blue river; from thence along the centre of the Blue and Kansas rivers to the point of beginning, shall be known and called "Manhattan City," and by that name shall be known in law, may have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity in this territory or elsewhere; may have a common seal, and alter or change the same at pleasure, and shall have all the powers and privileges usually granted or given by any law of this territory to incorporated bodies.

Powers of incorporation.

All powers, &c., of an act to incorporate Leavenworth city hereby conferred.

SEC. 2. All the powers, privileges, rights and provisions of an act passed at the first session of the legislature of Kansas territory, entitled "An act to incorporate the city of Leavenworth," be and the same are hereby conferred on the aforementioned Manhattan city; and said Manhattan city is hereby authorized and empowered to proceed under said charter as fully and as absolutely as if the same had been in the same act specially applied to Manhattan city.

Names of persons who may call first meeting.

SEC. 3. C. E. Blood, John Pipher, J. D. Woodworth, and A. J. Mead, or any two of them, may call the first meeting for organizing a city government for Manhattan city.

Proviso.

SEC. 4. *Provided*, that nothing in this act contained shall be so construed as by any means whatsoever to defeat, impair or infringe upon any of the rights, powers or privileges heretofore granted the Manhattan Town Company.

This act to take effect and be in force from and after its passage.

Approved, February 14th, 1857.

AN ACT to incorporate the Buffalo Town Association, of Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of incorporators.

SECTION 1. That Robert Stephens, Wm. H. Rogers, Russell Garrett, Charles H. Grover, L. S. Bowling, Major Barre, Benjamin F. Simmons, Rufus Briggs, and their associates and successors, are hereby constituted and appointed a body politic and corporate by the name and style of the "Buffalo Town Association," and by that name shall be competent to make con-

tracts, sue and be sued, plead and be impleaded, in all matters and courts whatsoever. Said association is authorized to have and use a common seal, and to alter the same at pleasure. Said association shall have power to purchase and hold, and dispose of and convey, any quantity of land in the territory of Kansas, lying on or adjoining to the Republican fork of the Kansas river above Fort Riley, and between the first and second standard parallels, not to exceed one thousand acres, and to lay off the same into blocks, squares and lots.

Authority of association.

SEC. 2. Said association shall have power to pass such by-laws for the election of its officers, and for the government and management of its affairs, and for the transfer of its stock by each individual stockholder, as may be deemed necessary and proper.

Power to pass by-laws for election of officers.

SEC. 3. All deeds for the conveyance of any real estate of the association shall be signed by such officers as the said association may by their by-laws designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and when so duly acknowledged and executed shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Deeds for conveyance, &c, when signed by officers to hold good.

SEC. 4. The said association, before selling any part of said lands, lots or blocks, shall make out a map of the same, which shall be filed with the clerk of the court transacting county business in the county in which said town may be located, together with the list of officers elected by said association, and a copy of the by-laws by them adopted.

Map of town to be filed with clerk.

SEC. 5. Should said town not fall in a regularly organized county, then said map shall be filed in the office of the clerk of the tribunal transacting county business in the county that is organized, to which said unorganized county may be attached.

Organization.

SEC. 6. Said association shall have power to erect such buildings as they may deem necessary for their protection against the Indians, and for the purposes of trade.

Protection against Indians.

SEC. 7. For the purpose of developing the mineral and other resources of the country of the territory of Kansas, said association shall have power to explore for coal and other minerals, and for mining and vending same, and also to erect on such lands which said association may acquire, within the territory of Kansas, furnaces, foundries, mills and manufactories of every description necessary for the manufacture of minerals, and timber and lumber; and they, and their successors and as-

Privileges granted to explore for minerals, &c.

sociates, by the name aforesaid, shall be competent and capable of purchasing, receiving by gift, donation, grant or devise, and holding, mortgaging, leasing or conveying any property or estate whatever, real, personal or mixed.

Right of way
granted for trans-
portation.

SEC. 8. For ready transportation of the produce of such mines, manufactories and mills, said association shall have power to survey, locate and establish, and construct, maintain and operate, a road, plank road, turnpike, or railroad, from the said works of said association to such point or depot as shall be deemed necessary.

Liability of the
association.

SEC. 9. That from the time said association shall be organized and the certificates of stock issued, all the property, real and personal, moneys and effects of said association, shall be liable for the debts of the same; and all real estate conveyed to said association in consideration of its stock, shall, from the date of the execution of the conveyance, be liable for the debts of the same.

Shares to be is-
sued.

SEC. 10. In order to more fully carry out the objects and purposes of this association, it shall have power to issue shares of its capital stock; said shares to be in the sum of one hundred dollars each.

Proviso.

SEC. 11. *Provided*, that nothing herein contained shall be construed to conflict with the provisions of an act of congress in relation to pre-emption of town sites.

This act to take effect and be in force from and after its passage.

Approved February 11th, 1857.

AN ACT to incorporate the Emporia Town Company, and to incorporate the City of Emporia, with a Territorial Road thereto.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of cor-
porators.

SECTION 1. That G. W. Brown, G. W. Deitzler, Lyman Allen, Columbus Homesby, and P. B. Plumb, their associates and successors, are hereby declared a body politic and corporate by the name and style of the "Emporia Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever in law or equity, in this territory or elsewhere. Said corporation is authorized to have and use a common seal,

Powers of com-
pany.

and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs. By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land not to exceed one thousand acres, and to lay the same off into lots, parks, streets, lanes, avenues and squares, and to sell, dispose of, and convey the same; said town to be located at such point as the corporators have or may select in the county of Breckenridge, in the territory of Kansas. Power to purchase and hold land.

Location of town.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such time as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, and when so signed, with the corporate seal appended thereto, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere. Power to pass by-laws for the election of officers, &c.

SEC. 4. The said company may, by by-laws, prescribe rules for the transfer of the stock of the said company by each individual stockholder. Transfer of stock.

SEC. 5. The said company shall, before selling any part of said land which may be included in the city of Emporia, make a complete map of the same, describing definitely its location by government sub-divisions, and file a copy of the same with the register of public lands for the territory of Kansas. Company shall, before selling land, make a map.

SEC. 6. That the said corporators may take a census of the said town of Emporia, and whenever there shall be embraced within the limits of said town two hundred inhabitants, the said corporators shall be at liberty, as trustees, to proceed to organize said town; and from and after such period, all the powers, privileges, duties and responsibilities which are given, bestowed and imposed upon the city of Leavenworth by an act of the legislative assembly of the territory of Kansas passed at a former session of the legislative assembly, and any supplementary act which may have been subsequently passed, are hereby granted and imposed upon the said city of Emporia as fully as though the several sections of the said act were hereby repeated and enacted, omitting such things only as may relate to the metes and bounds of said city, the names of incorpo- Corporators may take a census of town, &c.

rators, judges of election, trustees, and such other facts and things as may have a local connection with the said city of Leavenworth.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Carolina Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of cor-
porators.

SECTION 1. Z. L. Benson, W. H. Hudnall, John W. Forman, John R. Boyd, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Carolina Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company shall be authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as may be deemed necessary for the government of said company and the management of its affairs.

Powers.

By-laws.

Powers of in-
corporation.

SEC. 2. The corporation hereby created shall have power to purchase and hold, or to enter by pre-emption or otherwise, any quantity of land, in Doniphan county, Kansas territory, not to exceed six hundred and forty acres, and to lay the same off into parks, squares, lots, streets and alleys, and to sell, dispose of, and convey the same.

Election of off-
icers, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be deemed necessary to carry out the business of said company; and all deeds for the conveyance of real estate of said company shall be signed by such officers of said company as the by-laws of said company may designate, and when so signed, with the corporate seal attached, shall be considered and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Stock deemed
personal proper-
ty, &c.

SEC. 4. The stock of the said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of the stock of each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Powhattan Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. E. H. Renfield, R. S. Stevens, James B. Ingersoll, E. W. Davenport, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Powhattan Town Company," and by that name and style shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters and in all courts. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company, for the management of its affairs, and for the transfer of its stock by each individual stockholder.

Names of corporators.

Authority.

SEC. 2. The corporation hereby created shall have power to purchase any quantity of land in the territory of Kansas, not exceeding three hundred and twenty acres, where the town of Powhattan is now located, and lay off the same into blocks, lots and squares, and to sell, and dispose of, and convey the same by deed.

Powers of company.

SEC. 3. All deeds for the conveyance of any real estate of the company shall be signed by such officers as the said company may by its by-laws designate, and when so signed shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

All deeds signed by the officers, &c.

SEC. 4. The stock of said company shall be deemed personal property.

Stock deemed personal property.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Sprattsville Town Company, in Bourbon county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of cor-
porators.

SECTION 1. That W. W. Spratt, Sampson Farris, C. B. Houston, Henry Miller, Ephraim Kepley, John H. Little, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Sprattsville Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Powers of com-
pany.

By-laws.

Power to pur-
chase and hold
land, &c.

SEC. 2. The corporation shall have power to purchase and hold any quantity of land in Kansas territory, where the town of Sprattsville is now located, not to exceed three hundred and twenty acres, and to lay the same off into parks, squares and lots, and to sell, dispose of, and convey the same by deed.

Power to pass
by-laws for elec-
tion of officers,
&c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry out the business of the company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers as the said company may by by-laws designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Stock deemed
personal proper-
ty, &c.

SEC. 4. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the transfer of the same by each individual shareholder or stockholder.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Monique Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That William Alley, George Young, Hiram J.

Strickler, William O. Yager, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Monique Town Company," and by that name shall have perpetual succession, and all the powers and authorities, and be subject to all the restrictions, as provided by an act entitled an "Act concerning corporations."

Names of corporators.

Powers of company.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land, in the county of Calhoun, not to exceed three hundred and twenty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same, and said town shall be called "Monique."

Power to purchase and hold land, &c.

SEC. 3. The above named corporators shall have power to fill vacancies which may occur in their body by death, resignation or otherwise.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual.

Stock deemed personal property.

This act to take effect and be in force from and after its passage.

Approved February 19th, 1857.

AN ACT to incorporate the Town of Hiawatha.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. John M. Coe, John P. Wheeler, and Thomas J. Drummond, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Hiawatha Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever ; said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

Powers of company.

By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the territory of Kan-

Power to purchase and hold land, &c.

sas, where the town of Hiawatha is now located, and adjoining the same, not to exceed six hundred and forty acres, and to lay off the same into squares, blocks and lots, and to sell and dispose of the same, and convey the same by deed; all deeds for the conveyance of the real estate of the company shall be signed by such officers as the said company may by its by-laws designate, and when so signed shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory and elsewhere.

Transfer of stock. SEC. 8. The said company may, by its by-laws, prescribe rules for the transfer of the stock of said company by each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Brownville Town Company, in Shawnee county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of corporators.

SECTION 1. That Loring Farnsworth, John W. Brown, Henry Fox, Milton C. Dickey, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Brownville Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law or equity in this territory; and said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs.

Powers of company.

Power to purchase and hold land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold, or to enter by pre-emption or otherwise, any quantity of land where said town of Brownville is located, not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same.

By-laws.

Power to pass by-laws for election of officers.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said corporation; and all

deeds for the conveyance of real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

SEC. 4. The stock of the company shall be deemed personal property, and the said company may by by-laws prescribe rules for the issuing and transferring of stock by each individual stockholder.

Stock deemed personal property.

SEC. 5. *Provided*, that nothing herein contained shall be so construed as to conflict with the acts of congress in such cases made and provided.

Provided.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Marshall Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Thomas H. Doyle, Geo. B. Brown, Jerome Kunkle, R. M. Nace, Chas. A. Faris, Wm. McDonald, G. H. Brown, C. N. Michie, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Marshall Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

Powers of company.

By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in Kansas territory, where the town of Marshall is now located, not to exceed eight hundred acres, and to lay the same off into parks, squares and lots, and to sell, dispose of, and convey the same by deed.

Power to purchase and hold land.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry on the business of the company ; and all deeds for the conveyance of the real estate of the company shall

Power to pass by-laws for election of officers.

be signed by such officers as the said company may by by-laws designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Stock deemed personal property.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may by by-laws prescribe rules for the transfer of the same by each individual shareholder or stockholder.

No privileges conferred inconsistent with laws of congress.

SEC. 5. It is not the intention of this act to confer any privileges inconsistent with the law of congress in relation to pre-emption of town sites.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Town of St. Bernard.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporators.

SECTION 1. That J. M. Bernard, David Lykins, James G. Hamilton and William B. Bernard, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "St. Bernard Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Powers of company.

By-laws.

Power to purchase and hold land.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land, in the county of Franklin, territory of Kansas, where the town of St. Bernard is now located, not to exceed six hundred and forty acres, and to lay off the same into lots, squares, streets and blocks, and to sell and dispose of, and to convey the same by deed.

Power to pass by-laws for election of officers.

SEC. 3. Said company shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry on the business of the company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers as the said company may by by-laws designate, and when so signed shall be deemed and

held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

SEC. 4. The capital stock of said company shall be deemed personal property. The said company may by by-laws prescribe rules for the transfer of the stock of said company by each individual stockholder. Nothing in this act shall be so construed as to interfere with the pre-emption law of the United States.

Stock deemed personal property.

This act shall take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Virginia Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Isaac Parrish, Paris Ellison, Epaphro Ransom, Wm. B. Almond, Rush Elmore, Jefferson W. Buford, William Strong, Jacob K. Starr, their associates, successors and assigns, are hereby constituted and appointed a body politic and corporate by the name and style of the "Virginia Town Association," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of this territory. Said association is authorized to have and to use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time time may be deemed necessary for the government of said association and the management of its affairs.

Names of corporators.

Powers of association.

By-laws.

SEC. 2. The corporation hereby created shall have power, jointly or severally, to purchase and hold, and severally to enter, by pre-emption or otherwise, any quantity of land not exceeding six hundred and forty acres; and, if the corporation shall so choose, to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and to convey the same whenever, under the act of congress of the United States, approved the fourth of September, A. D. eighteen hundred and forty-one, or any other act of said congress, they can legally do so.

Power to purchase and hold land.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be

Power to pass by-laws for election of officers.

necessary to carry on the business of said company; and all deeds for the conveyance of the real estate of the said company shall be signed by such officers of the said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, as other conveyances of real estate, by such officers of said company as may be prescribed by the said by-laws; and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Power to maintain action for possession of land.

SEC. 4. The said company shall have power to maintain, in any court of this territory, any action or actions, for the possession of said quantity of six hundred and forty acres of land, or any part thereof; *Provided*, they, or either of them, locate said town of Virginia on the lands of the United States, by staking the same off, which said corporators are authorized to do; and, *Provided*, further, that said company, or any or either of them, shall not, by virtue of this act, locate said town of Virginia on any lands belonging to and the property of any Indians or Indian tribe, or which has been originally and previously actually selected by another or others, as evidenced by an improvement, foundation or stake, intended to indicate its previous selection, without the consent of such other or others.

Proviso

No hing to preclude pre-emption right.

SEC. 5. Nothing in this act, which might or may be construed to impair the right, either present or future, of said corporators severally, to a pre-emption right, shall be of force.

This act to take effect and be in force from and after its passage.

Approved February 19th, 1857.

AN ACT to incorporate the Town Company of Vermillion City.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of corporators.

SECTION 1. That G. W. Brown, ——— Langdon, J. P. Thompson, G. T. Challiss, W. L. Challiss and N. J. Ireland, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Vermillion City Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at

Powers of company.

pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs. By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the territory of Kansas, where the town of Vermillion City is now located, not to exceed three hundred and twenty acres of land; to lay off the same in parks, squares, blocks and lots, and to sell, dispose of and convey the same. Power to purchase and hold land.

SEC. 3. That said company shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry on the business of the company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers of said company as it shall designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of all such deeds in all courts of this territory or elsewhere. Power to pass by-laws for election of officers.

SEC. 4. The said company may by by-laws prescribe rules for the transfer of the stock of said company by each individual stockholder. Transfer of stock.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Ottawa Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That A. G. Hogan, Richard Cross and Wm. P. Fain, and their associates and successors, are hereby constituted a body corporate and politic by the name and style of the "Ottawa Town Company," and by that name shall have perpetual succession, and all the powers and authority, and be subject to all the restrictions, as provided by an act entitled "An act concerning corporations." Names of corporators.

This act to take effect and be in force from and after its passage. Powers of company.

Approved February 17th, 1857.

AN ACT appointing Trustees for the City of Lawrence.

Preamble.

WHEREAS, John P. Wood, Joel Grover, Samuel S. Snider, G. W. Hutchinson, and William H. R. Lykins, were appointed trustees of the city of Lawrence, at a public meeting of the citizens thereof, held in March, A. D. eighteen hundred fifty-five; and whereas, one William H. R. Lykins became the owner of a Wyandott reservation or float, and laid the same on the present town site of the city of Lawrence, in accordance with articles of agreement between said Lykins and the trustees of the said city, for and on behalf of the original proprietors; and whereas, the said Lykins appointed the above named trustees his trustees, for the purpose of transferring any title that he may receive from the government of the United States; and whereas, the said trustees appointed one E. D. Ladd register of deeds of transfer of lots in said city of Lawrence; therefore,

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Authorized to
execute trust and
convey title.

SECTION 1. That the said John P. Wood, Joel Grover, G. W. Hutchinson, Samuel S. Snider, and William H. R. Lykins, be and the same are hereby authorized to execute said trust, and convey any and all the title that the said William H. R. Lykins may receive from the government of the United States, or others, to the said proprietors of said town of Lawrence, or their assigns, according to their respective interests in said town lots.

Acts legalized;
transfer of titles
to be registered.

SEC. 2. That the acts of the said E. D. Ladd, and the book of transfer kept by him, be and the same are hereby legalized, and shall be evidence in all courts of law or equity of the transfer of titles in said city of Lawrence; and it shall be the duty of all persons to have their transfer of title registered in the said register book of transfers, until such time as the fee simple to said lots can be obtained from the government of the United States, or others, when the same, and the book of record now kept of said transfers, shall be filed and recorded in the recorder's office of the county in which said city of Lawrence is situated.

No preference
given.

SEC. 3. No preference shall be given to any person by reason of prior registry in said book of record up to this time, where two or more persons may have a deed to the same lot; but those of the oldest in date shall take precedence.

Trustees not to
interfere.

SEC. 4. The said trustees shall, in no case, have any right or privilege to interfere with the government of said city. Said

trustees shall remain in office until all of said titles are completed, and no longer.

This act to be in force from and after the first day of March, A. D. eighteen hundred and fifty-seven.

Approved February 20th, 1857.

AN ACT to incorporate the Wewoka Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That A. W. Jones, A. J. Isacks, George W. Clarke, Alexander Majors and Wm. H. Doak, and their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Wewoka Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law or equity, in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

Powers of company.

By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold, to enter by pre-emption, or otherwise acquire title to, any quantity of land not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of and convey the same.

Power to purchase and hold land.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry on the business of said company: and all deeds for the conveyance of the real estate of the company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of law and equity in this territory or elsewhere.

Power to pass by-laws for election of officers.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring the said stock by each individual stockholder.

Stock deemed personal property.

Not to conflict
with laws of con-
gress.

SEC. 5. Nothing in this act shall be in force contrary to laws of congress on the subject of pre-emption rights.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Wepeahu Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of incor-
porators and their
powers.

SECTION 1. That A. R. Wright and John R. Boyd, and their associates and successors, are hereby declared to be a body politic and corporate by the name and style of the "Wepeahu Town Company," and all the provisions of an act entitled "An act concerning corporations," hereby attaches to and are made operative in this act of incorporation; *Provided*, that the said company may hold, use and occupy, for the purpose of laying off a town by the name of Wepeahu, any amount of land not exceeding six hundred and forty acres, and may lay off and sell the same.

Proviso.

Not to be loca-
ted upon any land
belonging to In-
dian tribes, &c.

SEC. 2. Nothing in this act contained shall be so construed as to authorize the location of said town upon any land belonging to, or the property of any Indian or Indians, or Indian tribe, or upon any land owned, located, or previously selected by any other person or persons, as evidenced by an improvement, foundation or stakes, without the consent of such prior owner, occupant or claimant.

This act to take effect and be in force from and after its passage.

Approved February 23d, 1857.

AN ACT to incorporate the Clinton Town Association, in Douglas county.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of cor-
porators.

SECTION 1. That J. A. Beam, Michael Albin, Charles Wright, Daniel Vancil, Marquis L. Kelso, Thomas D. Walton, N. Allgaier, R. N. Woodard, J. C. Casbier, G. Anderson, G.

W. Umberger, J. H. Haine, G. O. Beam, F. B. Woodard, A. A. Frazom, Wm. B. Almond, their associates, successors and assigns, are hereby constituted and appointed a body politic and corporate by the name and style of the "Clinton Town Association," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded in all matters whatsoever, and in all courts of this territory; and said association is authorized to have and to use a common seal, and to alter the same at pleasure, and make such by-laws and regulations as from time to time may be deemed necessary for the government of said association and the management of its affairs.

Powers of association.

SEC. 2. The corporation hereby created shall have power to purchase and hold, to enter by pre-emption or otherwise, and to acquire the title to the north-east quarter of section twenty-two, and the north-west quarter of section twenty-three, all in township thirteen, and in range eighteen, situate in the county of Douglas, in the territory of Kansas, to locate the town of Clinton thereon—*Provided*, the same can be so located without injury or prejudice to the rights of others—without their consent; and when said town is so located by staking the same off, the said corporation shall have power to maintain any action or actions, in any court in this territory, for the possession of said half section of land, or any part thereof, and to lay off the same into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same by deed.

Power to purchase and hold land, &c.

Proviso.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such time as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and when so executed and acknowledged shall be deemed and held a sufficient execution and authentication in all courts of this territory.

Power to pass by-laws for election of officers.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring the said stock by each individual stockholder.

Stock deemed personal property.

SEC. 5. Nothing contained in this act shall be so construed as to conflict with any act of congress of the United States.

Not to conflict with acts of congress

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Sebastian Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of cor-
porators.

SECTION 1. That George Blue-Jacket, G. W. Clarke, Chas. Kearney, Samuel H. Woodson, John Calhoun, W. H. Sebastian, L. A. Maclean, and their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Sebastian Town Association," and by that name shall be capable of making contracts, suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law or equity in this territory. Said association is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said association and the management of its affairs.

Powers of associa-
tion.

By-laws, &c.

Power to pur-
chase and hold
land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise any quantity of land, not to exceed six hundred and forty acres, and to lay the same off into lots, streets, parks, squares, avenues and alleys, and to sell, dispose of, and convey the same, and said town shall be called Sebastian.

Power to pass
by-laws for elec-
tion of officers,
&c.

SEC. 3. The said association shall have power to pass by-laws for the election of such officers and at such time as may be necessary to carry out the business of said association; and all deeds for the conveyance of the real estate of said company shall be signed by such officers as the by-laws may designate, which deeds shall be duly signed and acknowledged, and when so done shall be deemed and held a sufficient execution and authentication of said deeds in all courts of this territory or elsewhere.

Stock deemed
personal property.

SEC. 4. The stock of said association shall be deemed personal property, and transferable on the books of said association in such manner as may be permitted by the by-laws.

Not to conflict
with laws of con-
gress, &c.

SEC. 5. Nothing in this act shall be so construed as to conflict with any law of the congress of the United States on the subject of pre-emption.

SEC. 6. The company hereby incorporated shall acquire no benefit, under and by virtue of this charter, on the lands belonging to, or the property of, any Indian or Indians, or Indian tribe, or on any land which shall have been actually selected by any other person or persons prior to the location and staking out said town, as evidenced by an improvement, foundation, or stakes, intended to indicate such previous selection, unless the consent of such prior owner, occupier, locator, or claimant, be first obtained.

Shall acquire no benefit on the lands of any Indian tribe, &c.

This act to take effect and be in force from and after its passage.

Approved February 19th, 1857.

AN ACT to incorporate the Petrea Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Blake Little, Benjamin Brantley, Samuel A. Williams, Daniel F. Greenwood, James Christian, and Richard R. Rees, and their associates and successors, are hereby constituted a body corporate and politic by the name and style of the "Petrea Town Company," with all the powers, rights, privileges, immunities and restrictions, as provided by the provisions of an act entitled "An act concerning corporations."

Names of corporators.

Powers of company.

SEC. 2. The company hereby incorporated may locate, lay off, purchase or acquire, and sell or dispose of, lease and convey the whole or any part of any amount of land, not exceeding six hundred and forty acres, in Kansas territory—not to interfere with the location, claim or right of any other person or persons, as evidenced by improvement, foundation or stakes, or with any Indian title to any land.

Power to purchase land, &c.

Not to interfere with other persons.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Versailles Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporators.

SECTION 1. That Henry P. Throop, D. T. Mitchell, and J. C. Thompson, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Versailles Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure; and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs.

Powers of company.

By-laws

Power to purchase and hold land, &c.

SEC. 2. That the corporation hereby created shall have power to purchase and hold, to enter by pre-emption or otherwise, or acquire title to, any quantity of land in Shawnee county, Kansas territory, not to exceed six hundred and forty acres, where the said town of Versailles may be located, provided the same may not interfere with the previous rights of any settler, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same; and a majority of said incorporation shall have power to transact any business for said incorporation.

Power to pass by-laws for election of officers.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of law and equity in this territory or elsewhere.

Stock deemed personal property.

SEC. 4. The stock of the said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring the said stock by each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Louisville Town Company, in Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Fred. Emory, E. L. Berthoud, Jno. S. Wilson, E. A. Phillips, and L. Winder Emory, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Louisville Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and alter the same at pleasure; and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of co-
rporators.

Powers of com-
pany.

By-laws, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land, in the territory of Kansas, in Riley county, at or near where the town of Louisville is now situated, not to exceed one thousand acres, and to lay the same off into parcels, squares and lots, and to sell, dispose of, and convey the same by deed or otherwise.

Power to pur-
chase and hold
land, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of officers, and at such times, as may be necessary to carry out the business of the company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers as the said company may by their by-laws designate, which deeds shall be acknowledged and recorded as other deeds of conveyance.

Power to pass
by-laws for elec-
tion of officers,
&c.

SEC. 4. The company may prescribe rules for the transfer of the stock of the same by each individual stockholder.

Transfer of
stock.

SEC. 5. The said company shall, before selling any part of such lands, lots, or parcels of land, make out a complete map of the same, which they shall file with the clerk of the court transacting county business, together with the list of officers elected by said association, and a copy of the by-laws by them adopted.

Before any land
is sold a map
shall be made,
&c.

SEC. 6. Said company shall have power to erect such buildings as they may deem best for the purpose of trade or other legitimate business.

Erection of
buildings.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Nicaragua Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of cor-
porators.

SECTION 1. That John N. Jefferson, John L. Caldwell, David T. Mitchell, Thomas C. Hughes, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Nicaragua Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all contracts whatsoever, in all courts of law and equity in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure; and make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs, a majority of whom shall be authorized to transact any business for said company.

Powers of com-
pany.

By-laws, &c.

Power to pur-
chase and hold
land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold, to enter by pre-emption, or otherwise acquire title to, any quantity of land, in Woodson county, Kansas territory, not to exceed six hundred and forty acres, where the said town of Nicaragua may be located, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same.

Power to pass
by-laws for elec-
tion of officers.

SEC. 3. That said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of the said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of all such deeds in all courts of law and equity in this territory or elsewhere.

Stock deemed
personal prop-
erty.

SEC. 4. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the using and transferring the said stock by each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Hamilton Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Robert Wilson, Charles Reynolds, and their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Hamilton Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters and in all courts whatsoever. Said company is authorized to have and to use a common seal, and alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

Powers of company.

By-laws, &c.

SEC. 2. The said company shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry out the business of the company.

Power to pass by-laws for election of officers, &c.

SEC. 3. The corporation hereby created shall have power to purchase any quantity of land in the county of Riley, in township twelve, range six, not to exceed six hundred and forty acres, and to lay off the same into parks, squares, blocks and lots, and to hold, sell, and dispose of, and convey the same by deeds or otherwise. All deeds or other instruments in writing, for the conveyance of any real estate of the company, shall be signed by such officers as the said company may by its by-laws designate, and when so signed shall be deemed and held a sufficient execution and authentication in all courts of this territory or elsewhere.

Power to purchase and hold land, &c.

SEC. 4. The stock of said company shall be deemed personal property.

Stock deemed personal property.

SEC. 5. Nothing in this act contained shall be construed as conveying any rights or privileges inconsistent with the acts of congress in relation to the pre-emption of town sites.

Not inconsistent with acts of congress in reference to town sites.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Madison Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporators.

SECTION 1. That David J. Mitchell, Thomas C. Hughes, Henry P. Throop, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Madison Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all contracts whatsoever, in all courts of law and equity in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure; and make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs, a majority of whom shall be authorized to transact any business for said company.

Powers of company.

By-laws, &c.

Power to purchase and hold land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold, to enter by pre-emption, or otherwise acquire title to, any quantity of land in Madison county, Kansas territory, not to exceed six hundred and forty acres, where the said town of Madison may be located, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same.

Power to pass by-laws for election of officers.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of law or equity in this territory or elsewhere.

Stock deemed personal property.

SEC. 4. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Toronto Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That M. D. Hickman, W. G. Mathias, T. J. Hickman, Thomas Broadus, and their associates, successors and assigns, are hereby created a body politic and corporate by the name and style of the "Toronto Town Company," and by that name shall be capable of making contracts, of suing and being sued, and of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure; and make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs. Vacancies in the board of directors by death, resignation, or otherwise, shall be filled by election by the stockholders, each stockholder casting one vote for each share he may hold, and such vote may be given by proxy.

Names of corporators.

Powers of company.

By-laws, &c.

Vacancies.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land, where said town of Toronto shall be located, not to exceed six hundred and forty acres, and lay the same off into parks, lots, streets, squares and avenues, and to sell, dispose of, and convey the same.

Power to purchase and hold land, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly signed and acknowledged as other conveyances of real estate; when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts in this territory or elsewhere.

Power to pass by-laws for election of officers, &c.

SEC. 4. The above named board of trustees shall have power to fill vacancies which may occur in their body by death, resignation or otherwise.

Board of trustees have power to fill vacancies.

SEC. 5. The stock of said company shall be deemed personal property; and the said company may, by by-laws, prescribe

Stock deemed personal property.

rules for issuing and transferring said stock by each individual stockholder.

Not to interfere
with any prior
claim.

SEC. 6. This town company shall in no way interfere with any prior claim or pre-emption of any person or persons, when such claim shall be made visible by improvement, marks or stakes, unless by consent of said persons, nor shall said town be located on any Indian lands.

Not to conflict
with any act of
congress.

SEC. 7. Nothing herein contained shall be so construed as to conflict with any act of congress.

This act to take effect and be in force from and after its passage.

Approved February 19th, 1857.

AN ACT to incorporate the Sonora Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of cor-
porators.

SECTION 1. That C. H. Grover, L. J. Eastin, Wm. T. Sherrard, T. S. Huffaker, A. J. Baker, and George H. Reese, their associates and successors, are hereby constituted and appointed a body politic and corporate by the name and style of the "Sonora Association," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters whatsoever. Said association is authorized to have and use a common seal, and to alter the same at pleasure; and to make such by-laws as may be necessary for the government and management of said association and for the transfer of its stock by each individual stockholder, which said stock is hereby declared to be personal property.

Powers of assoc-
iation.

By-laws, &c.

Power to pur-
chase and hold
land.

SEC. 2. The association hereby created shall have power to purchase and hold any quantity of land in the territory of Kansas, in township eighteen, range eleven and twelve, in Breckenridge county, not to exceed six hundred and forty acres, and to lay off the same into parcels, squares, parks, lots and blocks, and to sell, dispose of, and convey the same by deed or otherwise.

Deeds for con-
veyance to be
signed, &c.

SEC. 3. All deeds for the conveyance of any real estate belonging to said association shall be signed by such officers as the said association may by by-laws designate, which deeds shall be acknowledged and recorded as other deeds of convey-

ance; and when so signed, acknowledged and recorded, shall be held a sufficient execution and authentication in all courts and elsewhere.

SEC. 4. It is not the intention of this act to conflict with the act of congress in relation to pre-emption of town sites.

Not to conflict
with town sites.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Town Company of Wyola.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That William Grimsley, Elisha Goddard, Dempsey Elliott, G. D. Humphrey, R. Abraham, E. M. Sewell, and Aaron Dow, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Wyola Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and to use a common seal, and to attest [alter] the same at pleasure; and make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

Powers of company.

By-laws, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land, in Breckenridge county, in the territory of Kansas, where the town site of Wyola is now located, not to exceed three hundred and twenty acres, and to lay off the same into lots, squares and blocks, and to sell, and dispose of, and convey the same by deed.

Power to purchase and hold land, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry out the business of the company, and all deeds for the conveyance of real estate of the company shall be signed by such officers as the said company may, by by-laws, designate, and when so signed shall be deemed and held a sufficient execution and authentication of such deeds in all courts or elsewhere.

Power to pass by-laws for election of officers, &c.

SEC. 4. The said company may, by by-laws, prescribe rules

Transfer of stock.

for the transfer of the stock of said company by each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Town of Olanthe.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of cor-
porators.

SECTION 1. That John T. Barton, A. G. Boone, C. A. Osgood, R. B. Finley, William Fisher, Jr., and Henry W. Jones, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Olanthe Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Powers of com-
pany.

By-laws, &c.

Power to pur-
chase and hold
land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land, in the county of Johnson, territory of Kansas, not exceeding six hundred and forty acres, and to lay the same off into parks, squares, blocks and lots, and to sell, dispose of, and convey the same by deed.

Power to pass
by-laws for elec-
tion of officers.

SEC. 3. The said company shall have power to pass by-laws for the election of officers and at such time as may be necessary to carry out the business of said company, and all deeds for the conveyance of the real estate of said company shall be signed by such officers of said company as the by-laws may designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Trustees may fill
vacancies.

SEC. 4. The above named board of trustees shall have power to fill vacancies which may occur in their body by death, resignation or otherwise.

Stock deemed
personal proper-
ty.

SEC. 5. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe

rules for the issuing and transferring of said stock by each individual stockholder.

SEC. 6. The said town of Olanthe shall be located on the following two quarter sections in the county of Johnson, and territory of Kansas; *Provided*, the same does not interfere with the rights of others or the laws of congress in relation to pre-emptions, viz: south-east quarter section twenty-six (26), township thirteen (13), range twenty-three (23) east of the principal meridian, and north-east quarter section thirty-five (35), township thirteen (13), range twenty-three (23) east of the principal meridian.

Location of town.

Proviso.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Buchanan Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Daniel Mitchell, E. M. Thurston, R. D. Mobley, Thomas H. Swope, N. J. Ireland, H. Butcher, J. M. Bernard, Jones & Bennett, L. J. Eastin, R. L. Kirk, Wm. P. Richardson, H. J. Strickler, D. A. N. Grover, R. S. Stevens, C. H. Grover, Wm. H. Rogers, B. F. Simmons, F. J. Marshall, and their associates and successors, are hereby constituted and appointed a body politic and corporate by the name and style of the "Buchanan Town Company," and by that name shall be competent to make contracts, sue and be sued, plead and be impleaded, in all matters and courts whatsoever. Said company is authorized to have and use a common seal, and to alter the same at pleasure. Said company shall have power to purchase and hold, and dispose of, and convey, any quantity of land, in the territory of Kansas, not exceeding one thousand acres, lying at or near the junction of the Smoky Hill and Solomon's fork, where the town of Buchanan is now located, and to lay off the same into parks, squares, blocks and lots.

Names of corporators.

Powers of company.

SEC. 2. Said company shall have power to pass such by-laws for the election of its officers as may be deemed necessary and proper by said company.

Power to pass by-laws for election of officers.

SEC. 3. All deeds or other instruments, for the conveyance

Deeds for conveyance of real estate must be signed, by whom.

of any real estate of the company, shall be signed by such officers as the said company may, by its by-laws, designate; which deeds or other instruments shall be duly executed and acknowledged as other conveyances of real estate, and when so duly executed and acknowledged shall be deemed and held a sufficient execution and authentication thereof in all courts of this territory or elsewhere.

Power to erect buildings, &c.

SEC. 4. Said company shall have power to erect such buildings as they may deem necessary for their protection against the Indians, and for the purposes of trade.

Stock deemed personal property.

SEC. 5. The stock of said company shall be deemed personal property.

Power to explore for coal, &c.

SEC. 6. For the purpose of developing the mineral, saline and other resources of the country, in the territory of Kansas, said company shall have power to explore for coal and other minerals and salines, and for mining and vending same; and also to erect on such lands to which said company may acquire title, in the territory of Kansas, furnaces, foundries, mills, houses and manufactories of every description, necessary for the manufacture of minerals, salines, timber and lumber; and they and their successors and associates, by the name aforesaid, shall be competent and capable of purchasing, receiving by gift, donation, grant or devise, and holding, mortgaging, liening or conveying, any property or estate whatsoever, real, personal or mixed.

Manufactories, &c.

Powers.

Power to survey, locate, &c.

SEC. 7. For the ready transportation of the produce of such mines, salines, manufactories and mills, said company shall have power to survey, locate, and establish and construct, maintain and operate, a road, plank road, turnpike, or railroad, from the works of said company to such place or depot as shall be deemed necessary.

All property liable for debts of company.

SEC. 8. From the time said company shall be organized and the certificates of stock issued, all the property, real and personal, moneys and effects of said company shall be liable for the debts of the same; and all real estate conveyed to said company, in consideration of its stock, shall, from the date of the execution of the conveyances, be liable for the debts of the same.

Power to issue shares of capital stock.

SEC. 9. In order to fully carry out the objects and purposes of this company it shall have power to issue shares of its capital stock, in sums not less than one hundred dollars; *Provided*, said company shall not be allowed to circulate said certificates of stock as money, or exercise any banking privileges.

SEC. 10. Provided nothing herein contained shall be construed to conflict with the provisions of an act of congress in relation to pre-emption of town sites. Provide.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Springfield Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Thomas W. Waterson, Henry C. Murdock, Thomas J. Drummond, Cyrus Dolman, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Springfield Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law or equity, in this territory. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs. Names of corporators.

Powers of company.

By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land in Browne county, Kansas territory, not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same by deed. Power to purchase and hold land, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of real estate of the said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts in this territory or elsewhere. Power to pass by-laws for election of officers.

SEC. 4. The above named board of trustees shall have power

Trustees have power to fill vacancies.

Stock deemed personal property, &c.

Not to interfere with pre-emption of town sites.

to fill vacancies which may occur in their body by death, resignation or otherwise.

SEC. 5. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder.

SEC. 6. That nothing herein shall be so construed as to interfere with the laws of congress in relation to pre-emption of town sites.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Claytonville Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporators.

Powers of company.

By-laws.

Power to purchase and hold land.

Power to pass by-laws for election of officers.

SECTION 1. That Albert Heed, J. Plowman, George E. Clayton, and E. Kemper, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Claytonville Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and to use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

SEC. 2. The corporation hereby created shall have power to purchase and hold, any quantity of land in Kansas territory, where the town of Claytonville is now located, not to exceed three hundred and twenty acres, and to lay the same off into parks, squares and lots, and to sell, dispose of, and convey the same by deed or otherwise.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry out the business of the company ; and all deeds for the conveyance of the real estate of the company shall be signed by such officers as the company may by by-laws designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and

authentication of such deeds in all courts of this territory or elsewhere.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the transfer of the stock by each individual shareholder or stockholder.

Stock deemed personal property.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Big Springs Town Association, near the county line between the counties of Shawnee and Douglas.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That R. W. Castard, Ephraim Banning, John C. Chamberlain, William M. Harper, William A. Cardwell, and George W. Zinn, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Big Springs Town Association," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory. Said association is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs.

Names of incorporators.

Powers of association.

By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land, not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same, and said town shall be called "Big Springs."

Power to purchase and hold land.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of the company ; and all deeds for the conveyance of the real estate of the said company shall be signed by such officers of said company as the by-laws of said company designate, which deeds shall be duly execu-

Power to pass by-laws for election of officers.

ted and acknowledged, and when so duly executed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Stock deemed
personal prop-
erty.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder.

Not to conflict
with town sites,
&c

SEC. 5. That nothing herein contained is to be construed to conflict with the provisions of the law of congress in relation to the pre-emption of town sites.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Town of Shawnee.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of cor-
porators.

SECTION 1. That Milton P. Randall, Alexander S. Johnson, John B. Wornall, Alexander Street, and Rice Arnold, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Shawnee Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and to change the same at pleasure, and to make such by-laws as may be deemed necessary for the government of the said company and the management of its affairs.

Powers of compa-
ny.

By-laws.

Power to pur-
chase and hold
land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the territory of Kansas, at the "Gum Spring," in Johnson county, where the town of Shawnee is now located, not to exceed six hundred and forty acres, and to lay off the same into squares, blocks and lots, and to sell, and dispose of, and convey the same by deed.

Power to pass
by-laws for elec-
tion of officers.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry out the business of the company ; and all deeds for the conveyance of the real estate of the com-

pany shall be signed by such officers as the said company may by by-laws designate, and when so signed shall be deemed and held a sufficient execution and authentication of such deeds in all courts or elsewhere.

SEC. 4. The said company may, by by-laws, prescribe rules for the transfer of the stock of said company by each individual stockholder. Transfer of stock.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Town of Paris, in the County of Linn.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That James P. Fox, John H. Tate, P. T. Glover, and Luke Grimes, their associates and successors, are hereby declared and constituted a body politic and corporate by the name and style of the "Paris Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in the courts of law and equity in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may by them be deemed necessary for the government of said company and the management of its affairs. Names of corporators.

Powers of company.

By-laws.

SEC. 2. The company hereby created shall have power to purchase and hold any quantity of land in the territory of Kansas, where the town of Paris is now located, not exceeding three hundred and twenty acres; to lay off the same into squares, blocks and lots, and to sell, and dispose of, and convey the same by deed. Power to purchase and hold land.

SEC. 3. That the said company shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry out the business of the company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers as the said company may by by-laws designate, and when so signed, with the corporate seal attached, shall be deemed and held as a sufficient Power to pass by-laws for election of officers.

execution and authentication of such deeds in all courts of this territory or elsewhere.

Stock deemed personal property.

SEC. 4. The stock of said company shall be deemed personal property, and said company may, by by-laws, prescribe rules for the issuing and transferring of the same by each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the St. George Town Company, and for other purposes.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporations.

SECTION 1. That G. W. Gillaspie, James H. Duncan, J. D. Adams, John Eb. Davis, John Meinholt, Charles Jenkins, Gottlieb Schurr, Thaddeus Jenkins, William Gillaspie, Charles Berger, John A. J. Chapman, James Gillaspie, John S. Avery, William C. P. Butman, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "St. George Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever ; may have and use a common seal, and alter the same at pleasure, and make such by-laws as shall be deemed necessary for the government of said company and for the management of its affairs.

Powers of company.

By-laws.

Power to purchase and hold land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the county of Riley, in Kansas territory, where the town of St. George is located, not to exceed six hundred and forty acres ; and to lay the same off into parks, squares and lots, and to sell, dispose of, and convey the same by deed.

Power to pass by-laws for election of officers.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers as may be found necessary to carry out the business of the company ; and all deeds for the conveyance of the real estate of the company shall be signed by such officers as may by by-laws be prescribed, and when so signed, with the corporate seal attached, shall be deemed and

held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the transfer of the same.

Stock deemed personal property.

SEC. 5. All that tract of land which may be comprised within the limits of the said town of St. George, and which may be set forth and defined in the plat of said town, shall be and the same is hereby incorporated into a town by the name of "St. George," and by that name shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all matters whatsoever; may grant, purchase, receive and hold property, real, personal and mixed, within said town; and may in the same name do all acts as natural persons, may have a common seal, and may alter the same at pleasure.

Quantity of land incorporated in said town.

Powers.

SEC. 6. The corporate power and authority of said town is hereby vested in a board of trustees, to be called the "Board of Trustees of the town of St. George," and that John A. J. Chapman, G. W. Gillaspie, J. D. Adams, John Eb. Davis, and J. H. Duncan, are hereby made and constituted the first board of trustees for said town, which board shall meet at such time as they may agree upon and elect one of their number president.

Corporate powers vested in a board of trustees, &c.

Names of trustees.

SEC. 7. The board of trustees shall have power to pass all ordinances, of every nature, necessary for the good of said town, and not inconsistent with the constitution and laws of the United States and of this territory.

Trustees have power to pass all ordinances, &c.

SEC. 8. The board may appoint a town constable, assessor, collector, treasurer and secretary, as well as any other officers or servants found necessary, and shall provide for the pay of the same, and prescribe their powers and duties.

Trustees may appoint a constable and other officers, &c.

SEC. 9. The president of the board of trustees shall have all the powers and privileges of a justice of the peace within the corporate limits of the said town, and shall do and perform all duties under and by virtue of any ordinance prescribed by said board of trustees; *Provided*, that, in case of vacancy or absence of said president, any justice of the peace shall have and possess all the judicial powers of said president under any ordinance.

President shall have all the powers of a magistrate.

Provide.

SEC. 10. The president of the board of trustees, while act-

President entitled to same fees as magistrate.

Proviso.

ing in the judicial capacity of justice of the peace, shall be entitled to the same fees.

SEC. 11. *Provided*, nothing herein contained shall be construed to conflict with the provisions of an act of congress in relation to pre-emption of town sites.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Neoma Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of incorporators

SECTION 1. That Samuel H. Woodson, Samuel J. Jones, L. A. Maclean, George W. Clarke, A. G. Boone, Marcus Gill, and William S. Stone, and their associates and successors, are hereby constituted and declared a body politic and corporate by the name of the "Neoma Town Association," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory. Said association is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said association and the management of its affairs.

Powers of company.

By-laws.

Power to purchase and hold land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land, not to exceed six hundred and forty acres, and to lay the same off into lots, streets, squares and avenues, and to sell and convey the same, and said town shall be called Neoma.

Power to pass by-laws for election of officers, &c.

SEC. 3. Said association shall have power to pass by-laws for the election of such officers as may be necessary to manage its affairs; and all deeds for the conveyance of the real estate of said association shall be signed by such officers of said association as their by-laws may designate, which deeds shall be duly executed and acknowledged, and when so done shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

SEC. 4. The stock of said association shall be deemed personal property, and may be transferred upon the books of said company in any manner which may be prescribed by the by-laws.

Stock deemed personal property, &c.

SEC. 5. Nothing in this act shall be so construed as to conflict with any law of the congress of the United States on the subject of pre-emption.

Not to conflict with pre-emption laws.

SEC. 6. The company hereby incorporated shall acquire no benefit, under and by virtue of this charter, on the lands belonging to or the property of any Indian or Indians, or Indian tribe, or any land which shall have been actually selected by any other person or persons prior to the location and staking out of such town, as evidenced by an improvement, foundation or stakes, intended to indicate such previous selection, unless the consent of such prior owner, occupier, locator, or claimant be first obtained.

Not to enter on lands of any Indian tribe, &c.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Town of Bloomington.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That H. Burson, N. Ramsey, Wm. Jesse, James M. Dunn, and P. P. Fowler, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Bloomington Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, defend and be defended, in all matters and in any court. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws, rules and regulations as may be deemed necessary for the government of said company and the management of its affairs.

Names of corporators.

Powers of company.

By-laws, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the territory of Kansas, where the town of Bloomington is now located, not to exceed six hundred and forty acres, and to lay off the same into squares, blocks and lots, and to sell, and dispose of, and convey the same by deed.

Power to purchase and hold land, &c.

Power to pass
by-laws for elec-
tion of officers,
&c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers as may be necessary to manage and carry on its affairs and business; and all deeds for the conveyance of the real estate of the company shall be signed by such officers as the said company may by its by-laws designate, and when so signed shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Transfer of stock.

SEC. 4. The said company may by its by-laws, prescribe rules for the transfer of the stock of said company by each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 10th, 1857.

AN ACT to charter the City of Lawrence.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Geographical
situation of Law-
rence.

SECTION 1. All that district of country described as follows, to-wit, comprising sections twenty-five and thirty-six, in township twelve south, range nineteen east, and the fractional section thirty-one, and so much of section thirty as lies south and west of the Kansas river, in township twelve south, and range twenty east, and the north-east and north-west quarters of section six, township thirteen south and range twenty east, is hereby erected into a city by the name and style of the "City of Lawrence," and the inhabitants thereof are hereby constituted a body corporate and politic by the name and style of the "City of Lawrence," and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; may contract and be contracted with; may purchase, receive and hold property, both real and personal, within said city; and may sell, lease or otherwise dispose of the same for the benefit of the said city; may purchase, receive and hold property, real, personal or mixed, beyond the limits of the city, to be used for the burial of the dead, for the erection of water-works to supply the city with water, for the establishment of a hospital

City of Lawrence
incorporated.

Privileges.

For the reception of persons afflicted with contagious diseases, or for the erection of a poorhouse and farm, or workhouse, or house of correction, or for any other purpose which may tend to the general good of the city, and erect buildings or other improvements for the purposes aforesaid, and may sell, lease, or otherwise dispose of said property for the benefit of the city, and may do all other acts as natural persons, and may have a common seal and change the same at pleasure.

SEC. 2. The corporate powers and duties of said city shall be vested in a mayor and board of councilmen, who shall be chosen as hereinafter directed. City officers.

SEC. 3. The board of councilmen shall consist of nine members, for the election of whom the city shall be divided into convenient wards by ordinance, which wards may be altered from time to time or new ones created as the convenience of the inhabitants may require, and the councilmen shall be apportioned among the several wards in proportion to the number of qualified voters in each, but in the election of the first board of councilmen the whole city shall vote for nine councilmen by general ticket. Board of councilmen. Apportioned among the several wards.

SEC. 4. The councilmen shall be chosen by the qualified voters of their respective wards; shall serve for the term of one year and until their successors are elected and qualified; shall be at least twenty-one years of age, citizens of the United States, and shall have residence in said city at least sixty days next preceding their election; and whenever there shall be a tie in the election of councilmen, it shall be determined by the judges in the ward in which it shall happen, by lot; and all vacancies shall be filled by election as aforesaid in such manner as shall be provided for by ordinance. Election of councilmen. Vacancies filled.

SEC. 5. The board of councilmen shall elect their president and all other officers, agents and servants of the board; shall judge of the qualifications, elections and returns of their own members; a majority of the whole shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the board may provide; they may determine the rules and regulations of their own proceedings, punish their members for disorderly conduct, and, by a concurrence of two-thirds of their whole number, expel a member, but not a second time for the same offence; and they Officers of council. Quorum. Powers.

shall at any time, upon the request of any member, cause the yeas and nays to be called and entered upon the journal.

Meetings of city council.

SEC. 6. The board of councilmen shall hold their stated meetings on such days and times as shall be fixed by ordinance, but there shall not be exceeding six regular meetings in any one year, and they may adjourn their stated and other meetings from time to time, and may by ordinance change the times of holding their regular meetings.

Election of mayor.

SEC. 7. The mayor shall be elected by the qualified voters of the city; shall hold his office for the term of one year and until his successor is elected and qualified; and when two or more persons shall have an equal number of votes for mayor, the election shall be determined by the board of councilmen, by lot.

Qualifications of mayor

SEC. 8. The mayor shall be at least twenty-one years of age, a citizen of the United States; shall have residence in the city at least three months next preceding his election, and be otherwise qualified as required in case of councilmen.

Power of mayor.

SEC. 9. The mayor, by and with the advice and consent of the councilmen, shall have power to fill all offices within the city which are not ordered by law or ordinance to be elected or otherwise appointed. The mayor shall take care the laws of the territory and ordinances of the corporation are duly enforced, respected and observed within the limits of the city; he shall have power, with the consent of the board of councilmen, to remove from office any person holding office created by ordinance; to remit fines and forfeitures; to grant reprieves and pardons; he shall be a conservator of the peace within the city and county in which said city is located; he shall have power to fill all vacancies which may happen in any office other than that of councilmen, until the end of the session of the board of councilmen, which shall occur next after such vacancy; he shall from time to time give to the board of councilmen information relative to the situation of affairs of the city, and shall recommend to their consideration such measures as he shall deem expedient for the welfare of the city; he may on extraordinary occasions convene the board of councilmen by proclamation, stating to them when assembled the object for which they were convened, and shall have power, whenever he deems it necessary, to require any officer of the city to exhibit his accounts, books or other papers, and to make report in writing to the mayor and board of councilmen, touching any subject on matters pertaining to his office.

May fill all vacancies excepting councilmen.

May require reports from any officer.

SEC. 10. When any vacancy shall happen in the office of mayor, by death, resignation, absence from the city, removal from office, refusal to qualify or otherwise, or when the mayor shall be partly interested or put upon his trial for any violation of law or ordinance, the president of the board of councilmen, for the time being, shall exercise the office of mayor until such vacancy shall be filled or such disability shall be removed, or, in case of temporary absence, until the mayor shall return; and during this time he shall receive the same compensation as the mayor would have been entitled to; and in case of such vacancy other than a temporary absence or disability, the person exercising the office of mayor shall cause a new election to be held, giving ten days' notice thereof by proclamation.

When vacancy shall happen in the office of mayor.

New election.

SEC. 11. The mayor and board of councilmen shall have power by ordinance to levy and collect taxes, not exceeding one-half of one per centum, upon real and personal property, within the city, and upon all possessing right or claims to any lots, lands or other property within the city, and upon property, lands, lots, interest or shares held, owned or claimed by any person or persons, company, firm, association or corporate body, whether the title of the United States thereto be extinguished or not, upon the assessed value thereof; and all moneys on hand or on deposit, bills of exchange, bonds, notes, and other securities held upon solvent persons or corporations, over and above the just debts or liabilities of the owner or holder thereof; to levy and collect a poll tax, not exceeding one dollar per annum, upon every free male person over the age of twenty-one and under the age of fifty-five years; to levy and collect a tax on dogs, not exceeding five dollars on each, per annum, and to provide for the granting of licenses for keeping of dogs within the city, if deemed proper; to prevent and remove nuisances; to establish night watches; to erect lamps in the streets and light the same; to provide for licensing, taxing and regulating auctioneers, merchants, grocers, confectioners, taverns, bankers, peddlers, brokers, dram-shop keepers, liquor sellers, pawn-brokers, ordinaries, shows and exhibitions for pay, billiard tables, ball and ten-pin alleys, or any number of pins; they may have hacks, drays, wagons, or other vehicles used within the city for pay; theatres, theatrical exhibitions for pay; to restrain, prohibit or suppress tippling-houses, dram-shops, and the sale of spirituous liquors, ball and ten-pin alleys, gaming and gaming houses, bawdy and other disorderly

Mayor and council may levy taxes on land, &c.

Poll-tax.

Establishing night watch.

Licensing, taxing and regulating merchants, &c.

Nuisances.

Prevent riots.	houses, and all kinds of public indecencies ; to prevent riots and disturbances of citizens ; to prevent the discharge of fire-arms ; the unnecessary riding or driving of any horse or mule, or other animal ; to establish and regulate markets ; to open,
Repair streets.	alter, clear, grade, pave and keep in repair streets, side-walks, alleys, avenues, lanes, drains and levees ; to supply the city with water ; to provide for regulating and keeping a standard of weights and measures for the use of the city ; to regulate the cleaning of chimneys, and fix the fee therefor ; to provide
Regulate size of brick to be used in city.	for preventing and extinguishing of fires ; to regulate the size of brick to be made and used in the city ; to provide for the inspection of all kinds of produce, provisions, fuel, lumber, and other materials for building, and to define the weight and measure thereof, if sold or offered for sale in the city ; to regulate the storage of gun powder and other combustible materials ; to regulate and order the building of parapet walls and partition
To erect pumps in the streets.	fences ; to erect pumps in the streets and other places for the convenience of the inhabitants ; to provide for taking the census of the city ; to provide for the election of city officers and
Can decide contested elections.	their compensation ; for deciding contested elections, removing officers of the city for misconduct, and for the appointment of a police, justice and other officers not provided for by this charter, fixing duties and compensation of the same ; to provide for the construction and repair of side-walks, and for curbing and cleansing the same at the expense of the owners, occupants, claimants of the ground or lot fronting thereon, and, in default of payment of the same and costs, to sell the property assessed ; to regulate, restrain and prevent the erection of wooden buildings in any part of the city, and to regulate and prevent the carrying on of manufactures dangerous in causing or producing fires ; to make regulations to secure the general health of the city ; to prevent the introduction or spread of contagious or infectious diseases, and to make quarantine laws for that purpose, and to enforce the same within five miles of the city ; to erect, establish and regulate hospitals, workhouses, poorhouses, and all other necessary buildings for the use of the city, and to provide for the government and support of the same ; to borrow money on the credit of the city, and issue bonds of the city for money due or to become due ; to appropriate money and to provide for the payment of the debts of the city ; to provide for the improvement of public roads and highways leading into and out of the city, within four miles of
Powers.	
Rights.	

the centre of the city; to impose fines, penalties and forfeitures for the breach of any ordinance, and also for the recovery and collection of the same, and in default of payment to provide for confinement in the city prison or workhouse, or at labor on the streets, or both; to pass all ordinances that may become necessary to carry the provisions of this charter into effect, and also to pass any ordinances usual or necessary for the well-being of the inhabitants, and to provide for the enforcement of any and all ordinances which may be deemed right and proper, not inconsistent with the constitution of the United States and the organic act of Kansas territory: *Provided*, that nothing herein contained shall be so construed as to authorize the passage of any ordinance which shall tax the wearing apparel, necessary tools or implements of any person used in carrying on his trade, or the books or doings of any professional man, successively used in the exercise of his profession, or the imposition of any tax upon the government of the United States or of the territory of Kansas, on the laying of any tax upon exhibitions which are purely literary or artistic; nor shall any thing be subject to sale or distress for taxation, or for the payment for any penalty or costs, which may not for the time being be subject to sale under execution by the existing laws of Kansas territory or state.

Of fines.

Penal law, &c.

Proviso.

SEC. 12. The mayor and councilmen shall have power to extend, open and widen any street, avenue, alley or lane, at their discretion, at any place within the city, and to create or open any new street, avenue, alley or lane, at their discretion, at any place in said city, making, however, the person or persons whose property may be injured thereby adequate compensation therefor, to be determined by assessment of five disinterested householders of Kansas territory or state, not residents of said city, who shall be selected and compensated as may be prescribed by ordinance; and who shall, in the discharge of their duties, act under oath, to faithfully and impartially make the assessments to them submitted, considering the benefits resulting to, as well as the loss sustained by, the owner of the property.

Mayor and council have power to open streets, &c.

Assessors of property must act under oath.

SEC. 13. Any ordinance passed by the board of councilmen shall, before it becomes a law, be presented to the mayor for his approval. If he approves it, he shall sign it under his endorsement of approval; if not, he shall return it, with his objections, to the board, who shall reconsider the same. If, not-

Of passing laws.

Of votes.

withstanding the objections of the mayor, it shall be passed by two-thirds of the councilmen voting therefor, at any regular meeting, it shall become a law, and in all such cases the yeas and nays shall be entered on the journal; and if any ordinance presented to the mayor for his approval shall not be returned to the board within three days after it has been delivered to the mayor, the same shall become a law as fully as if he had signed it.

Style of ordinances.

SEC. 14. The style of all ordinances shall be, "Be it ordained by the Mayor and Councilmen of the City of Lawrence," and all ordinances shall, within one month after they are passed, be published in some newspaper within the city, or by ten written or printed handbills posted at as many public places, or in pamphlet form, to be distributed or sold as may be provided by ordinance; *Provided*, that the failure to publish any ordinance as herein prescribed shall not render void any such ordinance.

Must be published.

Proviso.

City register.

Security.

Duties.

Proviso.

Oath of office.

SEC. 15. The mayor and councilmen shall appoint a city register, who shall hold his office for one year, and until his successor is appointed and qualified, unless sooner removed, who shall give bond with sufficient security, to be approved by the mayor, in such sums as may be prescribed by ordinance, conditioned for the faithful discharge of the duties of his office; he shall perform all the duties of clerk of the board of councilmen; shall keep a book or books wherein shall be entered all the proceedings of the board, and all records of the city, which book shall at all proper times be open to the inspection of the citizens, and he shall have and preserve all records, public papers and documents belonging to the city in his office, and shall perform such other duties as may be enjoined upon him by ordinance; he shall also be the keeper of the seal of the city, and affix it to all papers and documents as may be required by ordinance; *Provided*, that he may perform all or any of his duties by deputy by him duly appointed, which appointment shall be approved by the mayor before it is perfected, and all acts done by such deputy shall be in the name of his principal, and such register shall be responsible for all the acts of his deputy.

SEC. 16. The mayor, councilmen and all other officers of the city, shall, before entering upon the discharge of the duties of their several offices, take and subscribe an oath before some judge, clerk, justice of the peace, or some other person au-

thorized to administer oaths, to support the constitution of the United States, the organic act of Kansas territory, and faithfully to discharge the duties of their office.

SEC. 17. The mayor and board of councilmen shall appoint a marshal, who shall hold his office one year, and until his successor shall be appointed and qualified, who shall possess the same qualifications as other city officers, and who shall, before entering upon the discharge of the duties of his office, enter into bond to the city of Lawrence in such penalty and with such security as may be prescribed by ordinance, or such as may be required by the mayor, conditioned to faithfully discharge the duties of his office, and faithfully account for all moneys that shall come into his hands, as marshal, which bond shall be filed and recorded in the office of the city register. Said marshal shall execute all writs and processes to him directed by the mayor or any justice of the peace or other judicial officer, and return the same, according to the commands of such writs or processes, within the limits of the city. He shall be the collector of the city revenue; he shall perform such duties as may be prescribed by ordinance, and shall also possess all the powers and duties of a constable, and he shall be entitled to the same fees as the constable of a township by the laws of the territory; *Provided*, that all writs in the hands of said marshal for the arrest of any person for any offence against the city ordinances, or the laws of the land, may be executed in any part of the county in which the city of Lawrence may be situated.

City marshal.

Security.

Collector of the city revenue.

Proviso.

SEC. 18. When any real estate or possessory right or claim to lot or land shall be sold for taxes, the owner may reclaim the same at any time within two years, by paying to the purchaser the full amount of the purchase money, and all taxes subsequently paid thereon, and all costs and charges thereon, together with twenty per centum per annum on the same.

To redeem property sold for taxes.

SEC. 19. The mayor shall publish or cause to be published on the first day of March, each year, a full and complete statement of all moneys received and expended during the past year, and on what account received and expended, which statement shall be inserted three successive weeks in some paper published in the city, or by ten written or printed handbills, set up in as many public places.

Mayor's annual report of moneys.

SEC. 20. The mayor, councilmen, and other officers of the

TOWNS AND CITIES.

Salary of city officers.

city, shall receive such compensation or fees for their services as shall be provided by ordinance.

Of fire companies.

SEC. 21. The mayor and councilmen shall have power to organize and establish fire companies in the city, and to pass ordinances governing and controlling the same, and the members of such companies shall be exempt from military duty in time of peace and from serving on juries.

Privileges of mayor

SEC. 22. The mayor shall have exclusive original jurisdiction of all cases arising under this act and under all the ordinances of this city; he shall have concurrent jurisdiction with each and every justice of the peace, and shall have all the powers, rights, privileges, jurisdiction and immunities, and be subject to all the duties of justice of the peace, both in civil and criminal cases, arising under the laws of the United States, or the laws of this territory, within the corporate limits of the city of Lawrence, subject to an appeal or *certiorari* as allowed from justices' courts by the laws of the territory; and the mayor shall receive the same fees as are or may be allowed to justices of the peace; he shall have power to issue writs or executions directed to the marshal or any constable, and shall hold a regular court, at such time as he may designate, once in each month, and for the transaction of business arising under the city ordinances shall hold a court whenever occasion may require.

Shall hold courts when necessary.

Shall give certified copy of judgment, &c.

SEC. 23. The mayor, on demand of any person in whose favor he shall have rendered judgment, shall give to such person a certified copy of such judgment, and the clerk of the district court, upon application, shall file and record in his book of judgment such copy, and shall note the date of such filing in the office of the clerk of the district court, which shall be a lien upon real estate of the defendant in such judgment throughout the county in which the city of Lawrence may be or is situated, to the same extent and with the same effect as a judgment of said district court, and shall be equally under the control of said district court, may be renewed by *scire facias* and carried into execution in the same manner and with the like effect as the judgment of said district court, and executions issued thereon may be directed to any officer and executed in any county in the territory.

Citizens are exempt from road tax.

SEC. 24. The citizens of the city of Lawrence shall be exempt from working on any road beyond the limits of the city, and from paying a road tax for the construction or repair of roads outside the city limits.

SEC. 25. At the first meeting of the city council, after any general election, the board of councilmen shall cause to be made out and certified by the register the election and qualification of mayor, and within ten days' thereafter he shall cause the same to be recorded in the recorder's office of the county in which the city is situated; a neglect to qualify and record as aforesaid shall be deemed a refusal to accept; and the mayor shall be authorized to administer oaths; to take acknowledgments of deeds and mortgages; to take depositions and other instruments of writing affecting the titles of lands in the territory, and certify the same under the seal of the city, which shall be received as good and valid throughout the territory.

Duties of council after general election.

Mayor authorized to administer oaths, &c.

SEC. 26. The mayor and marshal are hereby authorized to call on every male inhabitant over the age of twenty-one years to aid him in enforcing the laws and ordinances, and in case of riot, to call out the militia to aid them in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to the city a fine not exceeding five hundred dollars.

In case of riot.

SEC. 27. Any officer of the city who shall be guilty of any wilful or corrupt violation of duty, or omission to discharge his duty, or any flagrant misdemeanor, may be impeached and tried by the city council, and removed from office by a majority of all the members of the board.

Officer guilty of wilful violation of duty.

SEC. 28. All ordinances of the board may be proved by the certificate of the city register, with the seal of the city affixed thereto; and when printed or published in a book or pamphlet form, purporting to be published by authority of the city, shall be read and received as evidence in all courts and places without further proof.

Ordinances with city seal, &c., to be received as evidence.

SEC. 29. This act is declared to be a public act, and may be used as evidence in all courts of law and equity in this territory without further proof.

This is a public act.

SEC. 30. William H. R. Lykins, Robert Morrow, and James F. Legate, of the city of Lawrence, are hereby appointed judges of election to hold the first election for mayor and board of councilmen, at such time and place within the city as they may designate, giving at least three days' notice of such election by ten written or printed handbills; and such judges shall take an oath before some officer authorized to administer oaths, faithfully and impartially to discharge their duties as judges of such election, which shall be certified and filed

Judges of election.

Oath.

If any judge fail to attend.

Acts inconsistent with this, are repealed.

in the office of clerk of the probate court of Douglas county, and such judges shall give to each of the persons elected mayor or councilman, a certificate of his election; if any such judges shall fail to attend, the remaining judge or judges may fill the vacancy. All acts or parts of acts inconsistent with this act are hereby repealed.

This act to take effect and be in force from and after its passage.

Approved February 23d, 1857.

AN ACT to incorporate the Town Company of Eureka.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of incorporators and their powers.

SECTION 1. That N. J. Ireland, Samuel Dickson, J. P. Thompson, Josiah Elliott, and E. C. McLean, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Eureka Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

By laws, &c.

Power to purchase and hold land.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land, in the territory of Kansas, where the town of Eureka is now located, not to exceed three hundred and twenty acres of land, to lay off the same into parks, squares, blocks and lots, and to sell, dispose of, and convey the same.

Power to pass by-laws for election of officers.

SEC. 3. That said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of the company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers of said company as it shall designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of all such deeds in all courts of this territory or elsewhere.

SEC. 4. The said company may, by by-laws, prescribe rules

for the transfer of the stock of said company by each individual stockholder. Transfer of stock.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Palmetto Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That W. H. Jenkins, J. R. Alston, W. S. Brewster, C. B. Buist, W. H. Giersen, J. P. Miller, and Robert T. Shibley, and their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Palmetto Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law or equity in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs. Names of corporators.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land not to exceed one thousand acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same, and said town shall be called Palmetto. Power to purchase and hold land, &c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers, and at such times, as may be necessary to transact the business of the said company; and all deeds for the conveyance of the real estate of the said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere. Power to pass by-laws for election of officers, &c.

Trustees have power to fill vacancies.

SEC. 4. The above named board of trustees shall have power to fill vacancies, which may occur in their body by death, resignation or otherwise.

Stock deemed personal property, &c.

SEC. 5. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder.

No right, &c., granted inconsistent with laws of congress.

SEC. 6. It is the intention of this act to grant no right or privilege inconsistent with or contrary to the laws of congress in such cases made and provided.

This act to take effect and be in force from and after its passage.

Approved February 5th, 1857.

AN ACT to incorporate the Midway Town Association, Johnson county, Kansas Territory.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of co-
porators.

SECTION 1. That L. F. Hollingsworth, John Quarles, L. A. Maclean, W. Christison, W. D. Bonnell, W. E. Brown, A. H. Ingraam, A. Sturgess, Thomas C. Hughes, James McCracken, Thomas H. Doyle, R. C. Foster, jr., Virgil C. Hollingsworth, J. H. Hollingsworth, and B. F. Hollingsworth, their associates and successors, are hereby constituted and appointed a body politic and corporate by the name and style of the "Midway Town Association," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory. Said association is authorized to have and use a common seal, to alter the same at pleasure, and make such by-laws and regulations as from time to time may be deemed necessary for the government of said association and the management of its affairs.

Powers of com-
pany.

By-laws.

Power to pur-
chase and hold
land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold, to enter by pre-emption, or otherwise acquire title to, any quantity of land, not exceeding eight hundred acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same.

Power to pass
by-laws for elec-
tion of officers,
&c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be neces-

nary to carry out the business of said company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate; and when so signed and acknowledged, shall be deemed and held a sufficient execution and authentication of such deeds, in law and equity, in this territory or elsewhere.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may by by-laws prescribe rules for the issuing and transferring the said stock by each individual stockholder.

Stock deemed personal property, &c.

SEC. 5. Nothing in this act shall be construed contrary to the laws of congress on the subject of pre-emption rights.

Not contrary to laws of congress.

SEC. 6. The company hereby incorporated shall acquire no benefit, under and by virtue of this charter, on the lands belonging to or the property of any Indian or Indians, or Indian tribe, or any lands which shall have been selected prior to the location and staking out of said town by any person or persons, evidenced by an improvement, foundation, or stakes, intended to indicate such previous selection, unless the consent of such prior owner, occupier, locator or claimant be first obtained.

Not to be located upon any land belonging to Indian tribes, &c.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to incorporate the Ogden Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That P. D. Mobley, C. P. Mobley, S. B. White, A. A. Garrett, S. D. Houston, J. W. Parsons, D. L. Chandler, B. B. Edmons, M. M. Walker, E. M. Thurston, Fox Booth, Wm. L. Shane, A. Dean, and Eastin & Adams, their associates and successors, are hereby declared and constituted a body politic and corporate by the name and style of the "Ogden Town Company," and by that name shall be known in law, shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts of law or equity in

Names of incorporators.

Powers of company.

By-laws.

this territory or elsewhere. Said company is hereby authorized to have and use a common seal, to alter or change the same at pleasure, and to make from time to time such by-laws and regulations as may be deemed necessary for the government of said company and the management of its affairs.

Power to purchase and hold land.

SEC. 2. The company hereby created shall have power to purchase and hold any quantity of lands in Kansas territory, where the town of Ogden is now located, not exceeding six hundred and forty acres, and to lay off the same into blocks, lots, parks, market places, squares, avenues, streets and lanes, and to sell, dispose of, and convey the same by deed.

Deeds shall be signed by officers, &c.

SEC. 3. All deeds for the conveyance of the real estate of the company shall be signed by such officers as said company by by-laws may designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds in all courts in this territory and elsewhere.

Stock deemed personal property.

SEC. 4. The stock of said company shall be held in such manner as may be prescribed by the by-laws thereof, and the said company shall have all the powers and privileges conferred on companies of a like character by the act entitled "An act concerning corporations."

This act to take effect and be in force from and after its passage.

Approved February 10th, 1857.

AN ACT to incorporate the Wanzoppea Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporators.

SECTION 1. William H. Heiskill, J. T. Bradford, and David Lykins, their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Wanzoppea Town Company," and by that name shall have perpetual succession, shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and make such by-laws and regulations as from time to time may be deemed necessary

Powers of company.

By-laws.

for the government of said company and the management of its affairs.

SEC. 2. Said company shall have power to purchase and hold, to enter by pre-emption, or otherwise acquire title to, any quantity of land not to exceed six hundred and forty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same.

Power to purchase and hold land.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry on the business of said company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate, and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of law or equity in this territory or elsewhere.

Power to pass by-laws for the election of officers, &c.

SEC. 4. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for using and transferring the said stock by each individual stockholder.

Stock deemed personal property, &c.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Woodson Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Henry Adams, Walter J. Brewster, M. P. Rively, Thomas J. B. Cramer, and Powell Clayton, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the "Woodson Town Company," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said company is authorized to have and use a common seal, to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said company and the management of its affairs.

Names of incorporators.

Powers of company.

By-laws, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in Kansas territory,

Power to purchase and hold land, &c.

where the town of Woodson is now located, ~~not~~ to exceed three hundred and twenty acres, and to lay off the same into parks, squares and lots, and to sell, dispose of, and convey the same by deed.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry out the business of the company; and all deeds for the conveyance of real estate of the company shall be signed by such officers as the said company may by by-laws designate, and when so signed, and the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Stock deemed
personal property.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may by by-laws prescribe rules for the transfer of the same by each individual shareholder or stockholder.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Rising Sun Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of corporators.

SECTION 1. That William B. Almond, W. J. Norris, Henry C. Cockerill, Thomas Cockerill, and Wm. G. Mathias, their associates, successors and assigns, are hereby constituted and appointed a body politic and corporate by the name and style of the "Rising Sun Town Association," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts in the territory. Said association is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said association and the management of its affairs.

Powers of company.

By-laws.

Power to purchase and hold land.

SEC. 2. The corporation hereby created shall have power, jointly or severally, to purchase and hold, and severally to enter by pre-emption or otherwise, any quantity of land, not exceeding one hundred and sixty acres each; and, if the said corporators shall so choose, to lay the same off into lots, parks,

streets, squares and avenues, and to sell, dispose of, and convey the same whenever under the act of congress of the United States, approved 4th of September, A. D. eighteen hundred and forty-one, or any other act of said congress, they can legally do so.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate by such officer of said company as may be prescribed by the said by-laws, and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Power to pass by-laws for election of officers.

SEC. 4. The said company shall have power to maintain, in any court of this territory, an action or actions for the possession of said quantity of six hundred and forty acres of land, or any part thereof: *Provided*, they, or any or either of them, locate said town of Rising Sun on the land of the United States, which said corporators are hereby authorized to do by staking the same off; and, *Provided, further*, that said company, or any or either of them, shall not by virtue of this act locate said town of Rising Sun on any land belonging to and the property of any Indian or Indian tribe, or which has been originally and previously actually selected by another or others, as evidenced by an improvement, foundation or stake, intended to indicate its previous selection, without the consent of such other or others.

Power to maintain action for possession of land.

Proviso.

Proviso.

SEC. 5. Nothing in this act which might or may be construed to impair the right, either present or future, of said corporators severally to a pre-emption right shall be of force.

Not to interfere with pre-emption right.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Newcastle Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Richard Rose, A. M. Mitchell, and their

Names of corporators and their powers.

associates and successors, are hereby constituted and declared, a body politic and corporate by the name and style of the "Newcastle Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded in all matters whatsoever, in law or equity, in this territory or elsewhere. Said company is authorized to have and to use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs.

By-laws.

Power to purchase and hold land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land, where said town of Newcastle is now located, not to exceed three hundred and twenty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same by deed or otherwise.

Power to pass by-laws for election of officers.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company, as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate; when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Stock deemed personal property.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of the same by each individual stockholder or shareholder.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Greenwood Town Company, Browne County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporators and their powers.

SECTION 1. That Walter R. Brewster, William Barnes, Martin P. Rively, Albert G. Otis, their associates and successors, are hereby constituted a body politic and corporate by the

name and style of the "Greenwood Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as may from time to time be deemed necessary for the government of said company and the management of its affairs. By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land where the town of Greenwood is now located, not to exceed three hundred and twenty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same. Power to purchase and hold land, &c.

SEC. 3. Said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of the said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere. Power to pass by-laws for election of officers.

SEC. 4. The above named board of trustees shall have power to fill vacancies which may occur in their body by death, resignation or otherwise. Trustees have power to fill vacancies.

SEC. 5. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder. Stock deemed personal property.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Town of Shannon.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Wm. P. Fain, George Wilson, Thomas

Names of corporations.

Powers of company.

By-laws, &c.

Power to pass by-laws for election of officers, &c.

Trustees have power to fill vacancies.

Stock deemed personal property.

Totton, Wilson Shannon, George W. Clarke, and their successors, are hereby constituted and declared a body politic and corporate by the name of the "Town Company of the Town of Shannon," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever in law or equity, in this territory. Said company is authorized to have and use a common seal, and alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land where said town of Shannon is located, not exceeding three hundred and twenty acres, and to lay off the same or any part thereof into lots, parks, streets, squares and avenues, and to sell, and dispose of, and convey the same.

SEC. 2. The said company shall have power to pass by-laws for the election of officers and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of real estate of said town company shall be signed by such officer or officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as the conveyances of real estate, and when so signed shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

SEC. 3. The above named board of trustees shall have power to fill vacancies which may occur in their body by death, resignation or otherwise.

SEC. 4. The stock of the company shall be deemed personal property, and said company may, by by-laws, prescribe rules for issuing and transferring stock by each individual stockholder.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Manhattan Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That T. J. Rose, S. D. Houston, J. D. Woodworth, C. E. Blood, and William E. Goodman, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the Manhattan Town Association," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said association is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said association and the management of its affairs.

Names of corporators.

Powers of association.

By-laws, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the territory of Kansas, where the town of Manhattan is located, not to exceed eight hundred acres of land, to lay off the same into parks, squares, blocks and lots, and to sell, and dispose of, and convey the same.

Power to purchase and hold land, &c.

SEC. 3. The said association shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry out the business of the company; and all deeds for the conveyance of real estate of the company shall be signed by such officers of the said association as it shall designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of all such deeds in all courts or elsewhere.

Power to pass by-laws for election of officers.

SEC. 4. The said association may by by-laws prescribe rules for the transfer of the stock of said association by each individual stockholder.

Transfer of stock.

SEC. 5. It is the intention of this act to grant no right or privilege inconsistent with or contrary to the laws of congress in such cases made and provided.

Not to conflict with laws of congress.

This act to take effect and be in force from and after its passage.

Approved February 14, 1857.

MISCELLANEOUS.

AN ACT to authorize the City of Leavenworth to borrow money.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Bonds to be issued and loans to be negotiated.

SECTION 1. The mayor and board of councilmen of the city of Leavenworth are hereby authorized and empowered to issue the bonds of the said city for any sum or sums not exceeding one hundred thousand dollars, and to negotiate a loan or loans thereon whenever they may deem expedient for the purposes of grading and other public improvements within the corporate limits of said city: *Provided*, such bonds shall not be drawn for a greater rate of interest than ten per cent. per annum.

Rate of interest on bonds.

This act shall take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to authorize the City of Leecompton to borrow money.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Bonds to be issued and loans negotiated.

SECTION 1. The mayor and city council of the city of Leecompton are hereby authorized and empowered to issue the bonds of the said city for any sum or sums not exceeding one hundred thousand dollars, and to negotiate a loan or loans thereon, whenever they may deem expedient for the purposes of grading and other public improvements within the corporate limits of said city.

Rate of interest on bonds.

SEC. 2. The bonds issued under the provisions of this act shall not be drawn for a greater rate of interest than ten per cent. per annum.

This act to take effect and be in force from and after its passage.

Approved February 17th, 1857.

AN ACT to authorize the payment of one hundred and twenty-nine dollars and eighty cents to George Matney.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That the treasurer of the territory of Kansas be and he is hereby authorized to pay to Geo. Matney one hundred and twenty-nine dollars and eighty cents, out of any money in the treasury not otherwise appropriated, provided the general government shall not pay this class of claims.

Treasurer of territory authorized to pay a specified sum of money.

Approved February 28d, 1857.

AN ACT for the relief of William I. Preston.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That the auditor of public accounts be and is hereby directed to issue his warrant on the treasury, to be paid out of any moneys not otherwise appropriated, for the sum of two hundred and twenty dollars, to Wm. I. Preston, being the amount paid by said Preston in carrying out the requisition of Governor Shannon upon the Governor of Missouri, for one Charles Robinson.

Auditor directed to issue warrant on the treasury.

SEC. 2. That the said Preston is hereby allowed the sum of fifty-six dollars for his personal services from Lecompton to Jefferson city, Missouri.

For personal services.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT for the relief of John W. Smith.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. The sheriff of Doniphan county is hereby required to hold in his hands the full amount by him collected, under the assessment for the year eighteen hundred and fifty-six, under the provisions of the tenth section of the second article of an act entitled "An act to provide for the collection of the rev-

Sheriff of Doniphan county required to retain a certain sum of money, &c.

where the town of Woodson is now located, not to exceed three hundred and twenty acres, and to lay off the same into parks, squares and lots, and to sell, dispose of, and convey the same by deed.

Power to pass
by-laws for elec-
tion of officers,
&c.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry out the business of the company; and all deeds for the conveyance of real estate of the company shall be signed by such officers as the said company may by by-laws designate, and when so signed, and the corporate seal attached, shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Stock deemed
personal property.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may by by-laws prescribe rules for the transfer of the same by each individual shareholder or stockholder.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Rising Sun Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

Names of corpo-
rators.

SECTION 1. That William B. Almond, W. J. Norris, Henry C. Cockerill, Thomas Cockerill, and Wm. G. Mathias, their associates, successors and assigns, are hereby constituted and appointed a body politic and corporate by the name and style of the "Rising Sun Town Association," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts in the territory. Said association is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said association and the management of its affairs.

Powers of compa-
ny.

By-laws.

Power to pur-
chase and hold
land.

SEC. 2. The corporation hereby created shall have power, jointly or severally, to purchase and hold, and severally to enter by pre-emption or otherwise, any quantity of land, not exceeding one hundred and sixty acres each; and, if the said corporators shall so choose, to lay the same off into lots, parks,

streets, squares and avenues, and to sell, dispose of, and convey the same whenever under the act of congress of the United States, approved 4th of September, A. D. eighteen hundred and forty-one, or any other act of said congress, they can legally do so.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of the company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate by such officer of said company as may be prescribed by the said by-laws, and when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Power to pass by-laws for election of officers.

SEC. 4. The said company shall have power to maintain, in any court of this territory, an action or actions for the possession of said quantity of six hundred and forty acres of land, or any part thereof: *Provided*, they, or any or either of them, locate said town of Rising Sun on the land of the United States, which said corporators are hereby authorized to do by staking the same off; and, *Provided, further*, that said company, or any or either of them, shall not by virtue of this act locate said town of Rising Sun on any land belonging to and the property of any Indian or Indian tribe, or which has been originally and previously actually selected by another or others, as evidenced by an improvement, foundation or stake, intended to indicate its previous selection, without the consent of such other or others.

Power to maintain action for possession of land.

Proviso.

Proviso.

SEC. 5. Nothing in this act which might or may be construed to impair the right, either present or future, of said corporators severally to a pre-emption right shall be of force.

Not to interfere with pre-emption right.

This act to take effect and be in force from and after its passage.

Approved February 20th, 1857.

AN ACT to incorporate the Newcastle Town Company.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:

SECTION 1. That Richard Rose, A. M. Mitchell, and their

Names of corporators and their powers.

associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Newcastle Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded in all matters whatsoever, in law or equity, in this territory or elsewhere. Said company is authorized to have and to use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as from time to time may be deemed necessary for the government of said company and the management of its affairs.

By-laws.

Power to purchase and hold land, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land, where said town of Newcastle is now located, not to exceed three hundred and twenty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same by deed or otherwise.

Power to pass by-laws for election of officers.

SEC. 3. The said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company, as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged as other conveyances of real estate; when so signed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere.

Stock deemed personal property.

SEC. 4. The stock of said company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of the same by each individual stockholder or shareholder.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Greenwood Town Company, Browne County.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

Names of corporators and their powers.

SECTION 1. That Walter R. Brewster, William Barnes, Martin P. Rively, Albert G. Otis, their associates and successors, are hereby constituted a body politic and corporate by the

name and style of the "Greenwood Town Company," and by that name shall be capable of making contracts, of suing and being sued, of pleading and being impleaded, in all matters whatsoever, in all courts of law and equity in this territory. Said company is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws and regulations as may from time to time be deemed necessary for the government of said company and the management of its affairs. By-laws.

SEC. 2. The corporation hereby created shall have power to purchase and hold, and to enter by pre-emption or otherwise, any quantity of land where the town of Greenwood is now located, not to exceed three hundred and twenty acres, and to lay the same off into lots, parks, streets, squares and avenues, and to sell, dispose of, and convey the same. Power to purchase and hold land, &c.

SEC. 3. Said company shall have power to pass by-laws for the election of such officers and at such times as may be necessary to carry out the business of said company; and all deeds for the conveyance of the real estate of the said company shall be signed by such officers of said company as the by-laws of said company shall designate, which deeds shall be duly executed and acknowledged, and when so duly executed and acknowledged shall be deemed and held a sufficient execution and authentication of such deeds in all courts of this territory or elsewhere. Power to pass by-laws for election of officers.

SEC. 4. The above named board of trustees shall have power to fill vacancies which may occur in their body by death, resignation or otherwise. Trustees have power to fill vacancies.

SEC. 5. The stock of the company shall be deemed personal property, and the said company may, by by-laws, prescribe rules for the issuing and transferring of said stock by each individual stockholder. Stock deemed personal property.

This act to take effect and be in force from and after its passage.

Approved February 14th, 1857.

AN ACT to incorporate the Town of Shannon.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That Wm. P. Fain, George Wilson, Thomas

Names of cor-
porators.

Powers of com-
pany.

By-laws, &c.

Power to pass
by-laws for elec-
tion of officers,
&c.

Trustees have
power to fill va-
cancies.

Stock deemed
personal prop-
erty.

Totton, Wilson Shannon, George W. Clarke, and their succes-
sors, are hereby constituted and declared a body politic and
corporate by the name of the "Town Company of the Town of
Shannon," and by that name shall be capable of making con-
tracts, of suing and being sued, of pleading and being implead-
ed, in all matters whatsoever in law or equity, in this territory.
Said company is authorized to have and use a common seal,
and alter the same at pleasure, and to make such by-laws and
regulations as from time to time may be deemed necessary for
the government of said company and the management of its
affairs. The corporation hereby created shall have power to
purchase and hold, and to enter by pre-emption or otherwise,
any quantity of land where said town of Shannon is loca-
ted, not exceeding three hundred and twenty acres, and to lay
off the same or any part thereof into lots, parks, streets,
squares and avenues, and to sell, and dispose of, and convey
the same.

SEC. 2. The said company shall have power to pass by-laws
for the election of officers and at such times as may be neces-
sary to carry out the business of said company; and all deeds
for the conveyance of real estate of said town company shall be
signed by such officer or officers of said company as the by-
laws of said company shall designate, which deeds shall be duly
executed and acknowledged as the conveyances of real estate,
and when so signed shall be deemed and held a sufficient ex-
ecution and authentication of such deeds in all courts of this
territory or elsewhere.

SEC. 3. The above named board of trustees shall have pow-
er to fill vacancies which may occur in their body by death,
resignation or otherwise.

SEC. 4. The stock of the company shall be deemed personal
property, and said company may, by by-laws, prescribe rules
for issuing and transferring stock by each individual stock-
holder.

This act to take effect and be in force from and after its
passage.

Approved February 14th, 1857.

AN ACT to incorporate the Manhattan Town Association.

Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows :

SECTION 1. That T. J. Rose, S. D. Houston, J. D. Woodworth, C. E. Blood, and William E. Goodman, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the Manhattan Town Association," and by that name shall be competent to make contracts, sue and be sued, implead and be impleaded, in all matters whatsoever. Said association is authorized to have and use a common seal, and to alter the same at pleasure, and to make such by-laws as may be deemed necessary for the government of said association and the management of its affairs.

Names of corporations.

Powers of association.

By-laws, &c.

SEC. 2. The corporation hereby created shall have power to purchase and hold any quantity of land in the territory of Kansas, where the town of Manhattan is located, not to exceed eight hundred acres of land, to lay off the same into parks, squares, blocks and lots, and to sell, and dispose of, and convey the same.

Power to purchase and hold land, &c.

SEC. 3. The said association shall have power to pass by-laws for the election of such officers and at such time or times as may be necessary to carry out the business of the company; and all deeds for the conveyance of real estate of the company shall be signed by such officers of the said association as it shall designate, and when so signed, with the corporate seal attached, shall be deemed and held a sufficient execution and authentication of all such deeds in all courts or elsewhere.

Power to pass by-laws for election of officers.

SEC. 4. The said association may by by-laws prescribe rules for the transfer of the stock of said association by each individual stockholder.

Transfer of stock.

SEC. 5. It is the intention of this act to grant no right or privilege inconsistent with or contrary to the laws of congress in such cases made and provided.

Not to conflict with laws of congress.

This act to take effect and be in force from and after its passage.

Approved February 14, 1857.

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